

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
TUESDAY, Dec 29, 2009 3:30 P.M.**

**City Council Chambers
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF DECEMBER 10, 2009 ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

- 1 09-425-531 Eastern Heights Amoco**
Conditional Use Permit for auto convenience market with accessory car wash
1770 Old Hudson Road, SW corner at White Bear Ave
B3
Luis Pereira 651-266-6591

- 2 09-425-707 Carl Hanson**
Conditional Use Permit for outdoor used auto sales
605 Como Ave, SE corner at Front
B3
Josh Williams 651-266-6659

- 3 09-424-870 Greg Brendemuehl**
Re-establishment of legal nonconforming use as a 4-plex
267 Front Ave, between Matilda & Galtier
B2
Sarah Zorn 651-266-6570

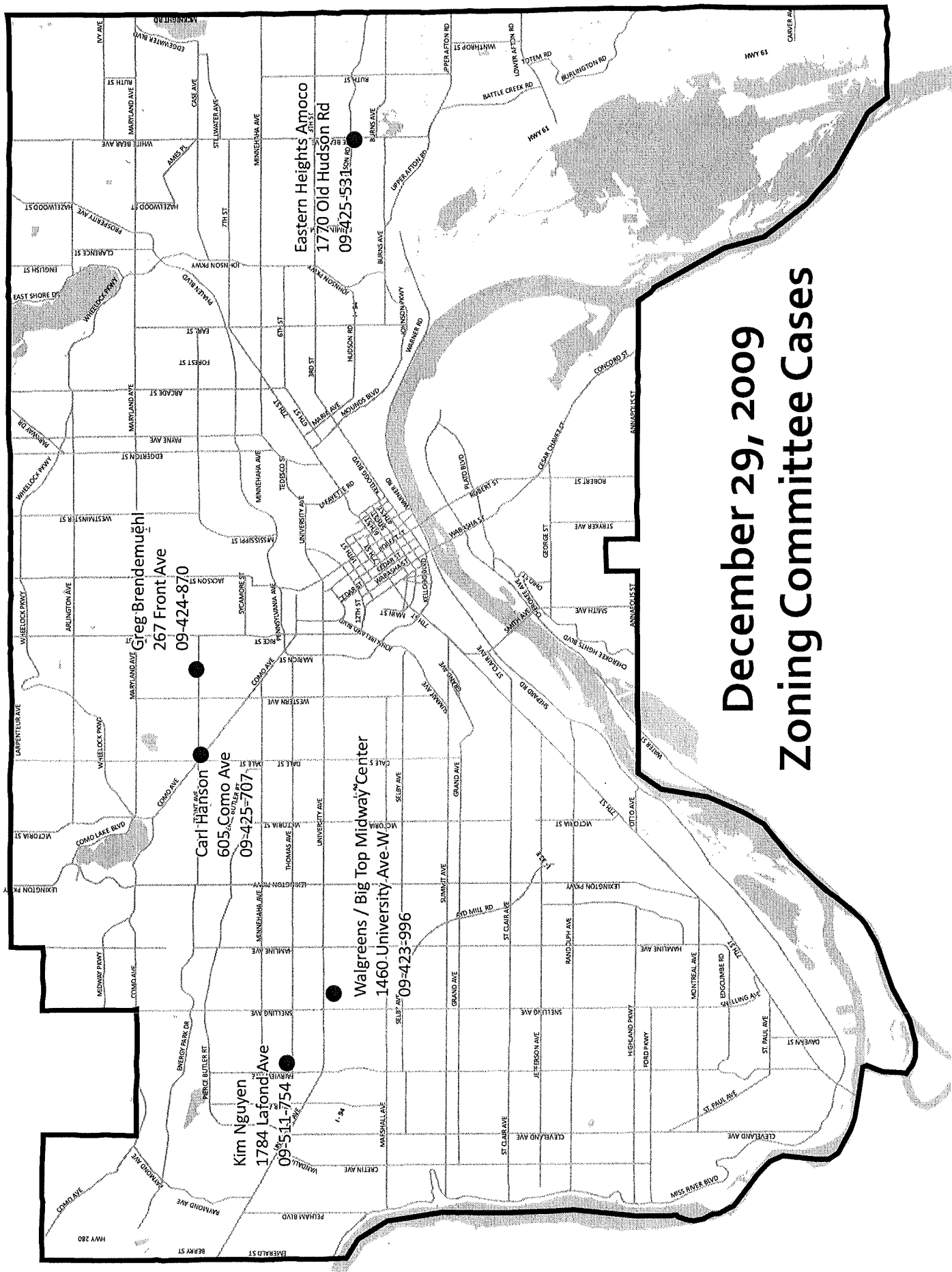
- 4 09-511-754 Kim Nguyen**
Re-establishment of legal nonconforming use as a duplex
1784 Lafond Ave, between Wheeler & Fairview
R4
Sarah Zorn 651-266-6570

- 5 09-423-996 Walgreens / Big Top Midway Center**
Conditional Use Permit for drive through sales and service for a pharmacy
1460 University Ave W, SE corner of Snelling at Shields
B2
Sarah Zorn 651-266-6570

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Allan Torstenson at 266-6579 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



December 29, 2009 Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Eastern Heights Amoco **FILE #** 09-425-531
 2. **APPLICANT:** Eastern Heights Amoco Inc. **HEARING DATE:** December 29, 2009
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 1770 Old Hudson Road, SW corner at White Bear Ave
 5. **PIN & LEGAL DESCRIPTION:** 342922440001, SECTION 34 TOWN 29 RANGE 22 PART SLY OF OLD HUDSON RD AND NLY OF HWY 392 AND W OF WHITE BEAR AVE OF E 196 00/100 FT OF SE 1/4 OF SEC 34 TN 29 RN 22
 6. **PLANNING DISTRICT:** 1 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** §61.501; §65.702
 8. **STAFF REPORT DATE:** December 17, 2009 **BY:** Luis Pereira
 9. **DATE RECEIVED:** December 8, 2009 **60-DAY DEADLINE FOR ACTION:** February 6, 2010
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A. **PURPOSE:** Conditional Use Permit for auto convenience market with accessory car wash

B. **PARCEL SIZE:** 31,799 sq. ft. (0.73 acres)

C. **EXISTING LAND USE:** Auto convenience market and accessory car wash

D. **SURROUNDING LAND USE:**

North: Gas station
Northeast: Sandwich shop
West: Dialysis clinic
South: Interstate 94 westbound freeway entrance
East: Pharmacy and convenience store

E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §65.702 lists the standards and conditions for an auto convenience market use.

F. **HISTORY/DISCUSSION:** This property has been a gas station for over 40 years. The property was rezoned from "A" residential zoning district to "C" commercial zoning district in December 1964. A Mobile Oil Gas Station was approved and installed on it in December 1966. On August 25, 1999, the City Council adopted an ordinance finalizing its action to rezone this property from B2 Community Business District to B3 General Business District for the purpose of adding/establishing an accessory car wash use (CF#99-726).

G. **DISTRICT COUNCIL RECOMMENDATION:** The District 1 Community Council had not provided any written recommendation on the application at the time of this report.

H. **FINDINGS:**

1. A former property owner, Monite Company LLC, was issued a notice of revocation of the property's Certificate of Occupancy on July 3, 2008. The property has remained unoccupied since that time, and experienced citizen complaints due to garbage, tall grass/weeds, and graffiti on the site. The property was sold by Hudson Road Holdings, LLC to Zephr Group, LLP on November 11, 2009.
2. The applicant and current owner (Zephr Group, LLP) proposes to re-establish the auto convenience and car wash uses on this site, as an Amoco gas station. The applicant proposes to remove three of seven gas pump islands on the property, given the Amoco policy of using only canopy-covered gas pumps. In addition, the applicant proposes to use an existing car wash building, which is located on the southern part of the site. The car wash building currently includes a small vending area within it. According to the applicant, proposed modifications include a new interior bathroom, to be both accessible and unisex, and the conversion of the vending area into a small "snack shop" that includes a new checkout counter (270 square feet). While the convenience retail square footage will increase by about 80 square feet, the exterior walls of the building are not proposed to change.

3. Two existing curb cuts on the northwest and east sides of the property - onto Old Hudson Road and White Bear Avenue, respectively - will be maintained. As per Public Works' Traffic Engineering recommendation, a third existing curb cut onto Old Hudson Road should be removed, given its close proximity to the Old Hudson/White Bear intersection. This access' proximity to the intersection means that queuing traffic already blocks access. The removal of this access will eliminate poor driver maneuvering choices and reduce the turning conflicts at and near the intersection.
4. According to Public Works' Traffic Engineering, the White Bear Ave/Old Hudson Road intersection experiences very heavy traffic conditions and its proximity to the freeway ramps means that the access onto White Bear from this site should be right out only to limit the driveway effects on the function of the intersection. Northbound and southbound vehicles accessing the gas station should use the signalized intersection at White Bear and Old Hudson Road (to turn left and right, respectively) and enter the site from Old Hudson. Under peak conditions left turning vehicles will be forced to do this anyway but occasional drivers still try unsafe actions so prohibiting the movement is best. A right in and right out configuration for the White Bear curb cut would need to be reviewed and approved by Public Works Traffic Engineering, and possibly also by MNDOT as the State has some jurisdiction based on proximity to the freeway ramps.
5. Given that currently there is no separate turn lane northbound on White Bear, Public Works Traffic Engineering asks that the property owner dedicate [or at least put nothing in] a requested ten (10) feet of additional right of way along the eastern side of the property so that at a later date the a separate left turn bay could be added to White Bear Avenue.
6. §61.501 lists five standards that all conditional uses must satisfy:
 - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. This property is located in the Highway Access (I-94/White Bear) node of the Sun Ray-Suburban Small Area Plan. The small area plan includes a land use recommendation that encourages "businesses attractive to pass-by highway traffic to take advantage of the I-94/White Bear intersection... concentrating vehicular traffic where the infrastructure can best accommodate it." The property is zoned B3 General Business, which allows auto-oriented uses such as the two proposed and is consistent with the intent of the Sun Ray Suburban Small Area Plan.
 - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met, as two existing ingress/egress options for the site are located away from the nearest intersections. The westernmost curb cut on Old Hudson Road is located approximately 155 feet from the Old Hudson/White Bear intersection, while the curb cut on White Bear Avenue is located 131 feet from the intersection of White Bear Avenue and the I-94 entrance ramp. The car wash line exit is located approximately 170 feet from Old Hudson Road. The existing, easternmost curb cut on Old Hudson Road will be closed, with new curbing installed, and new grass and trees planted in the public boulevard area that results.
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met, as the existing/former use was a gas station with a car wash, and there is another gas station across the street on the north side of Old Hudson Road.
 - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met, as demonstrated by the recent redevelopment of adjacent properties while this property's former use was still active (the Gas For Less gas station and car wash). The property to the west

was recently redeveloped for a dialysis clinic, and the property across White Bear Avenue to the east was recently redeveloped for a pharmacy use.

- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met, as B3 allows for servicing to be conducted within completely enclosed buildings (the car wash), as well as allows for outdoor uses (retail gas sales on the premises).

7. §65.702 lists the standards for the auto convenience market use:

- (a) *The use is subject to standards and conditions (a) [and] (b) . . . in section 65.703, auto service station:*

(a) *The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current city specifications. Such specifications shall be developed by the planning administrator, traffic engineer and city fire marshal, and shall be approved by the planning commission, and filed with the city clerk.* This finding will be met. Two existing curb cuts on the northwest and east sides of the property are proposed to remain as they currently exist, and four of seven existing gas pump islands while remain on the property, given that Amoco has a policy of using only covered gas pumps. The easternmost curb cut on Old Hudson Road will be removed.

(b) *A ten-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.* This standard is met, as the property borders properties zoned B3 General Business district on three sides, and is adjacent to the entrance ramp to I-94 on its south side. There are no existing residences adjacent to this property.

- (b) *The zoning lot on which it is located shall be at least twelve thousand (12,000) square feet in area.* This standard is met, as the lot is 31,799 square feet in area.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for auto convenience market with accessory car wash subject to the following additional conditions:

1. The construction and maintenance of all driveways, curbs, sidewalks, pump islands or other facilities shall be in accordance with current City specifications, as developed by the planning administrator, traffic engineer, and city fire marshal.
2. The existing, easternmost curb cut and access from the site onto Old Hudson Road shall be removed, with new curbing installed, and new grass and trees planted in the public boulevard area that results.
3. The applicant shall, at a minimum, make no permanent improvements in the easternmost ten (10) feet of property along White Bear Avenue that would interfere with a future widening of White Bear Avenue for the purpose of adding a northbound turn lane.
4. Access to and from the property on White Bear Avenue shall be limited to a right in and right out configuration, and design plans must be approved by Saint Paul Public Works Traffic Engineering prior to issuance of permits.
5. Saint Paul Public Works Traffic Engineering and the Minnesota Department of Transportation shall approve the traffic access and management plan.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # <u>09-428531</u>
Fee <u>\$750</u>
Tentative Hearing Date <u>12-29-09</u>

DD-1

#342922440001

APPLICANT

Name Eastern Heights Amoco, Inc. dba 94 Split Second Car Wash
Address 299 5TH Ave SW Suite 200 A
City New Brighton St. Mn Zip 55112 Daytime Phone 612-791-5660
Name of Owner (if different) Mike Fuhr - Zephyr Group LLP
Contact Person (if different) Mike Fuhr Phone 612-791-5660

PROPERTY LOCATION

Address / Location 1770 Old Hudson Rd
Legal Description attached
Current Zoning B3
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 65, Section 702, Paragraph — of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

The property is zoned B3 General Business and use is consistent with zoning. Using existing curb cuts. Use is reestablishment of previous use with new ownership. I will conform to applicable regulations as required by city.

☒ Required site plan is attached

Applicant's Signature [Signature] Date 12-8-09 City Agent [Signature]

An aerial photograph showing a road intersection. A road runs horizontally across the frame, and another road branches off vertically to the right. A large, white, rectangular sign with the word "ROAD" in black capital letters is positioned at the intersection. The surrounding area appears to be a mix of open land and some structures. The image is tilted slightly to the right.

SOUTHERLY LINE OF OLD HUDSON ROAD PER
MONUMENTATION AND COUNTY SECTION MAPS

(MAINTAINED BY CITY OF ST. PAUL)

BITUMINOUS

ROAD
ACCESS

(16) PUBLIC ROAD RIGHT OF WAY -

OVERHANG

~~BITUMINOUS~~

**FOUND
IRON**

MONITORING
7.2X WELL

~~DATA PTA~~

IM=212.69
2" PVC INV.=

NORTH 176.55

206-83-
SOLIT

- RETAINING

FINISHED FLOOR
ELEV.=216.38

VACUUM →

SOIL BORING

~~OVERHANG~~

1770 OLD HUDSON ROAD
1-STORY BUILDING
FOOTPRINT AREA = 2,552 SQ. FT.

~~215.8 THF~~
BREATHER

AREA 167.45

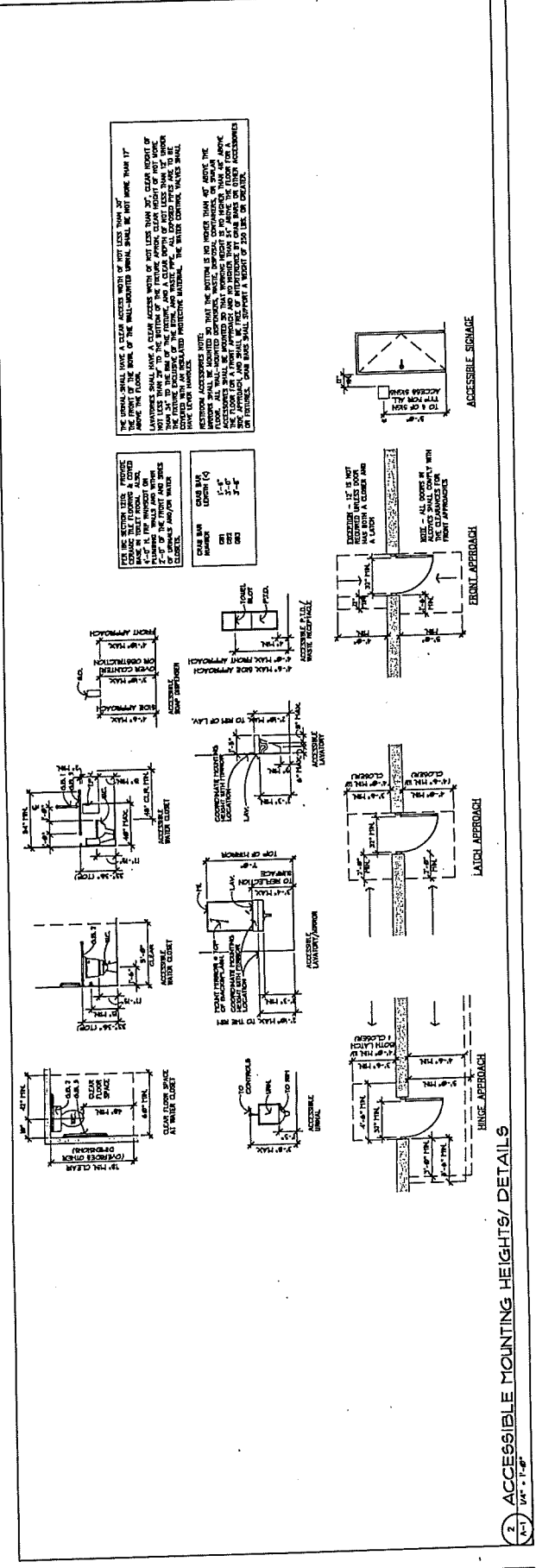
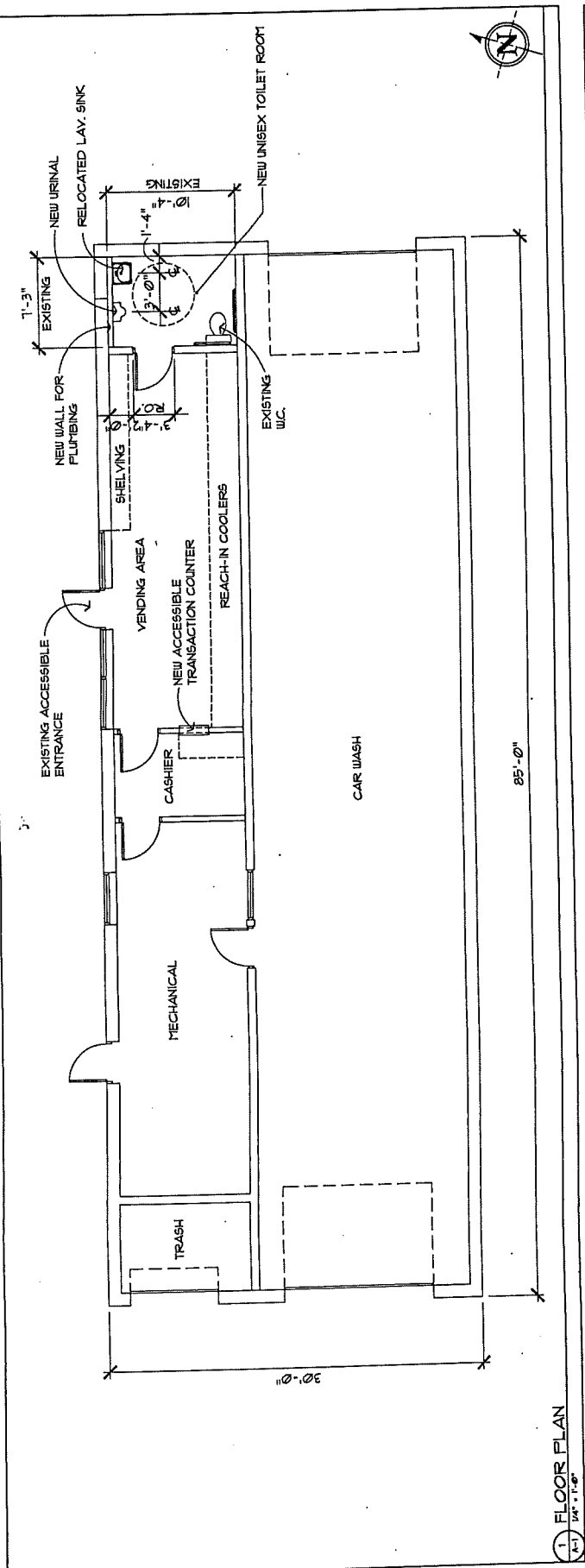
~~NORTHERLY LINE OF HIGHWAY NO. 12 PER
MONUMENTATION AND COUNTY SECTION MAPS~~

STORM M.H.
RIM=216.10

14 RIGHTS OF ACCESS EASEMENT
REF ID: A665328

15 HIGHWAY AND ACCESS EASEMENT

INT. HWY. NO. 94
A.K.A. STATE HWY. 12



2 ACCESSIBLE MOUNTING HEIGHTS/ DETAILS
 1/8\"/>

Fuhr Enterprises, Inc
Zephyr Group, LLP
299 5th Avenue SW, STE 200
New Brighton, MN 55112
Phone: 651-766-0928
Fax: 651-633-1712
December 11, 2009

Patricia
FYI
your copy
old Hudson Rd
ownership
paper trail

FAX COVER SHEET

NUMBER OF PAGES, INCLUDING COVER: 3

TO: Paul D.

FAX NO: 651-228-3220

FROM: Mike Fuhr
Zephyr Group, LLP

RE: Property Located at 1770 Old Hudson Road, St Paul, MN

MESSAGE: Attached is the closing statement for the purchase of the property located at 1770 Old Hudson Road, St. Paul, MN and a copy of a letter to the Minnesota Pollution Control Agency regarding the change in ownership.

Sincerely,

Virginia Henrikson
on behalf of Mike Fuhr

Land Title Buyer Closing Statement
File 334000

11/20/09 3:53 PM

Land Title, Inc. (651) 638-1900
Land Title Buyer Closing Statement


Buyer(s) Zephyr Group, LLP
Seller(s) Hudson Road Holdings, LLC
Lender
Property PI Sec 34-20-22
1770 Old Hudson Road, St. Paul, MN 55106

Closing date 11/20/2009 Proration date 11/20/2009
Escrow Officer Dennis Unger 651-697-8114

	Debit	Credit
Contract Sales Price	250,000.00	
New Loan:		
Principal amount of new loan(s) from Lakeside Oil Company.....		450,000.00
Deposits:		
Deposit or earnest money from Zephyr Group, LLP.....		15,000.00
Prorations:		
County taxes		
From 11/20/2009 to 1/1/2010 @ \$49.70260/day.....	2,087.51	
Other Adjustments:		
Equipment	250,000.00	
New Loan Charges:		
Lender/Legal Fees to Libby Law Office.....	5,120.00	
Title Charges:		
Settlement or closing fee to Land Title, Inc.....	329.99	
Abstract or title search to Land Title, Inc.....	175.00	
Title insurance to Land Title, Inc. \$1,437.50.....		
Lender's coverage to Land Title, Inc.		
Liability amount \$450,000.00.....	50.00	
Owner's coverage to Land Title, Inc.		
Liability amount \$500,000.00.....	1,387.50	
Name Search & Review to Land Title, Inc.....	30.00	
Recording Fees/Transfer Charges:		
City/county tax/stamps to Ramsey County.....	1,080.00	
Conservation Fee to Ramsey County.....	5.00	
Recording Fees to Ramsey County.....	210.00	
Additional Charges:		
Priority Plotures to Land Title, Inc.....	75.00	
Environmental Fee to Protech Environmental Consultants, Inc.....	950.00	
Subtotal.....	512,500.00	465,000.00
Balance due from Buyer.....		47,500.00
Totals.....	512,500.00	512,500.00

THE UNDERSIGNED, by the execution hereof, hereby (i) acknowledge that they have read the above and foregoing Closing Statement, (ii) acknowledge that the same is true and correct, and (iii) authorize and direct the Closing Agent to receive all amounts and disburse all amounts pursuant to the foregoing Closing Statement

It is mutually understood and agreed the taxes are estimated and in case of adjustment same will be made between the parties hereto. The Closing Agent is relieved of any responsibility with the adjustment of said taxes.


Zephyr Group, LLP

Libby Law Office, P.A.

Attorneys at Law

Kirsten J. Libby, Esq. kirsten@libbylawoffice.com
Jon E. Paulson, Esq. jon@libbylawoffice.com
Daniel P.H. Reiff, Esq. dan@libbylawoffice.com

Western Bank Building
1740 Rice Street, Suite 280
St. Paul, MN 55118
Office (651) 487-1208
Fax (651) 487-0662

November 30, 2009

Minnesota Pollution Control Agency
Attention: Joann Henry
520 Lafayette Road North
St. Paul, MN 55155-4194

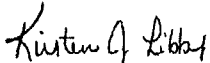
Dear Ms. Henry:

Please find enclosed a change in owner information for the property located at 1770 Old Hudson Road, Site #2590, formerly known as Gas n' Splash. The new owner is Zephyr Group, LLP, 299 5th Avenue SW #200. The contact is Michael Fuhr.

Should you have any questions please contact our office.

Sincerely,

Libby Law Office, P.A.



Kirsten J. Libby

Enclosures

c: Michael Fuhr
Tom Zappia

Luis Pereira - Re: 1770 Old Hudson Rd/proposed Amoco & car wash - add'l info

From: Monica Beeman
To: Luis Pereira
Date: 12/18/2009 3:54 PM
Subject: Re: 1770 Old Hudson Rd/proposed Amoco & car wash - add'l info
CC: Allan Torstenson; St Martin, Paul; Tom Beach

Luis,

We looked up our past review of a preliminary plan submitted June of 2008. In that review there were plans to have more site activity with a convenience store, gas pumps and a car wash but the general use is the same and the adjacent traffic /roadway conditions remain very heavy.

There is currently no separate turn lane northbound on White Bear. We asked that the property to dedicate or at least put nothing in the requested 10 feet of right of way so that at a later date the a separate left turn bay could be added.

Traffic conditions at this intersection are very heavy and the intersection is so closely spaced to the freeway ramps that it is critical to maintain the best possible traffic conditions therefore we recommended previously and continue to recommend that the access onto White Bear from the site be a right out only to limit the driveway effects on the function of the intersection. IE two potential stopping points the intersection and the driveway with heavy traffic and no separate left lane. Vehicles going to the gas station should be using the intersection which is signalized to turn left with all other traffic and enter the site from Old Hudson. (Under peak conditions left turning vehicles will be forced to do this anyway but occasional drivers still try unsafe actions so prohibiting the movement is best.) If there could be some way to allow right in and right out this would be ok but configuration would need to be reviewed and approved and might need to include the State as they have some jurisdiction based on proximity to the ramps.

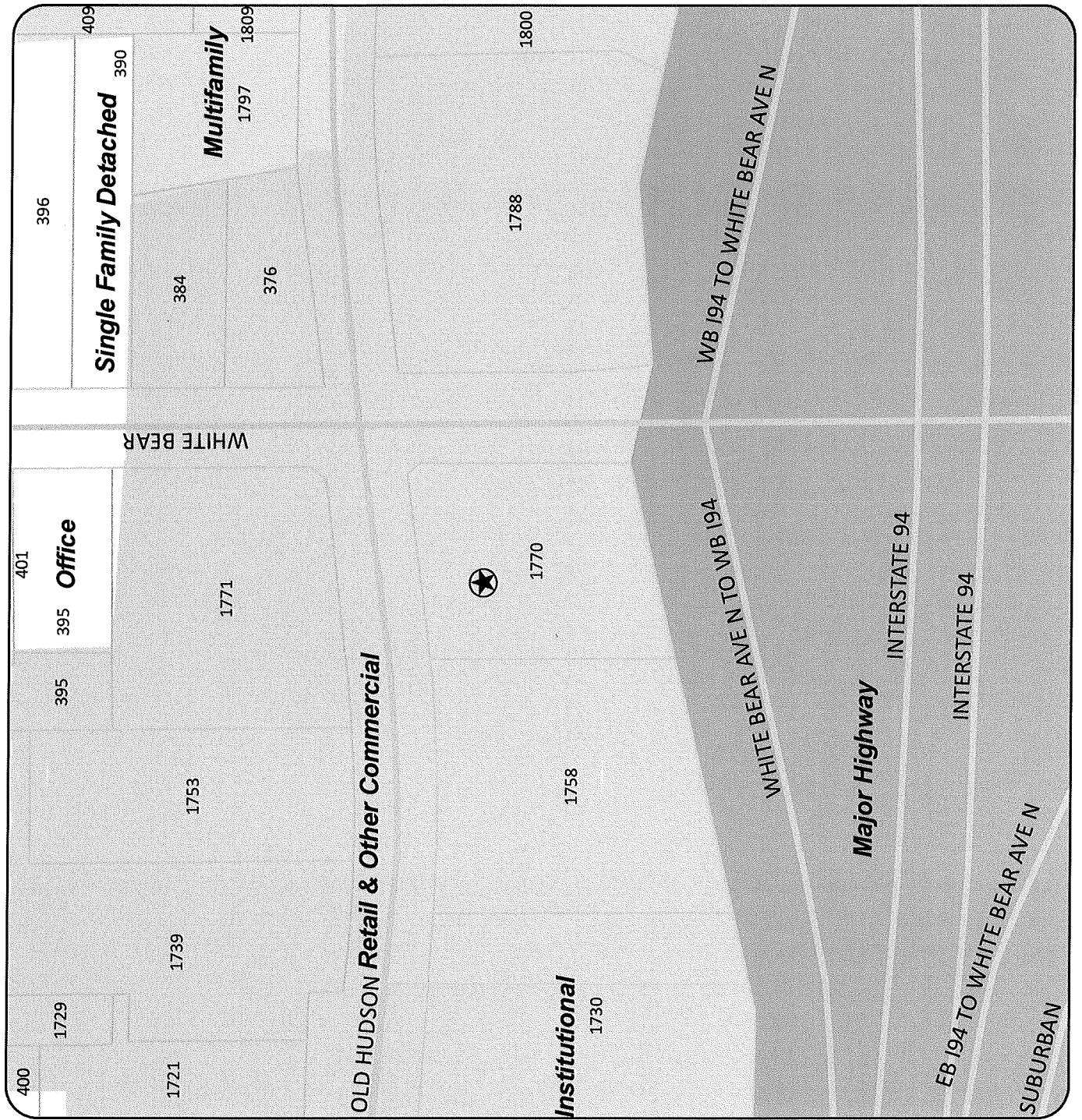
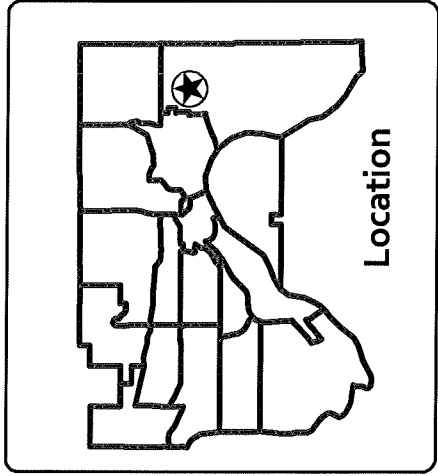
The closer access point from the site on Old Hudson should be eliminated. This is recommended because it is also so close to the intersection that queuing traffic likely already block access. It will just eliminate poor driver maneuvering choices with heavy intersection traffic and reduce the turning conflicts at/near the intersection.

If a person wanted to say that these requirements were too restrictive or unnecessary then they should provide a traffic impact study prepared by a professional traffic engineer for review by Public Works Traffic for review by both the City and the State.

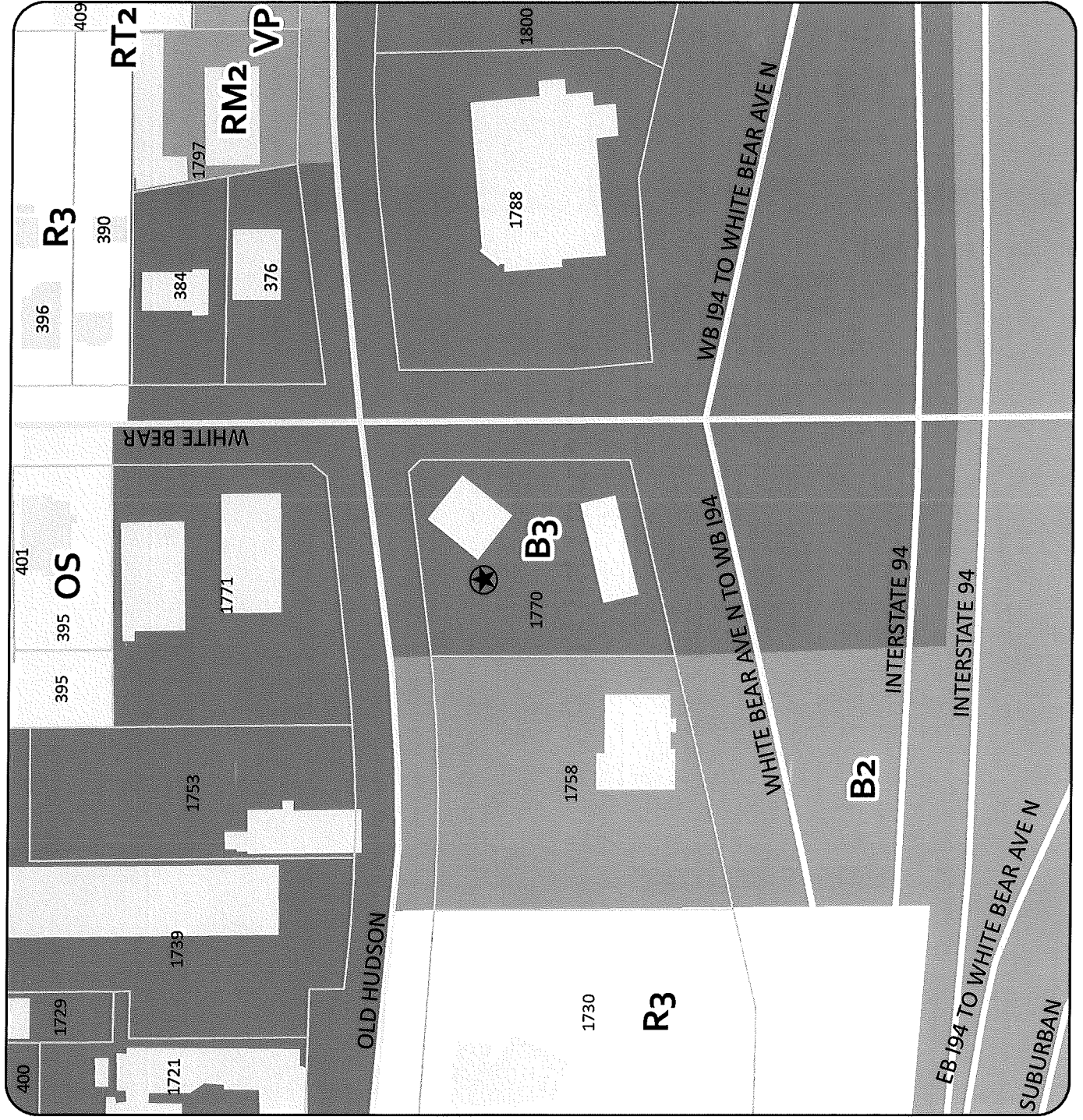
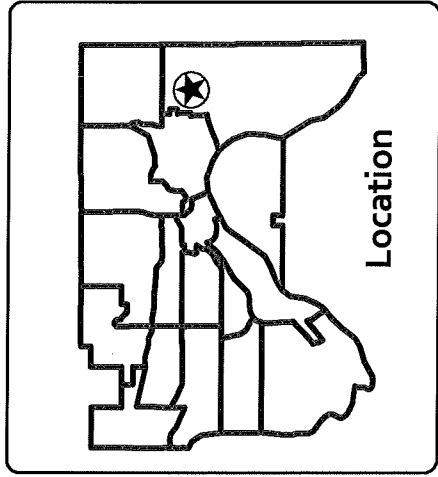
Monica M. Beeman, PE
Department of Public Works
Civil IV, Traffic Engineering
800 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1660
(651) 266-6214

>>> Luis Pereira 12/18/2009 1:29 PM >>>
Monica,

1770 Old Hudson Road ★



1770 Old Hudson Road ★



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Carl Hanson **FILE #** 09-425-707
 2. **APPLICANT:** Carl Hanson **HEARING DATE:** December 29, 2009
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 605 Como Ave, SE corner at Front
 5. **PIN & LEGAL DESCRIPTION:** 252923320013, DENSLOW'S ADDITION TO THE CITY OF ST. PAUL SUBJ TO AVE LOTS 6 7 8 AND LOT 9 BLK 2
 6. **PLANNING DISTRICT:** 6 **PRESENT ZONING:** B3
 7. **ZONING CODE REFERENCE:** §61.501; §61.502
 8. **STAFF REPORT DATE:** December 18, 2009 **BY:** Josh Williams
 9. **DATE RECEIVED:** December 8, 2009 **60-DAY DEADLINE FOR ACTION:** February 6, 2010
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- A. **PURPOSE:** Conditional Use Permit for outdoor used auto sales
- B. **PARCEL SIZE:** 16491 sq. ft.
- C. **EXISTING LAND USE:** V-Vacant
- D. **SURROUNDING LAND USE:**
 - North: Commercial (B3) and single family residential (RM2)
 - East: Single family residential (B3)
 - South: Commercial and single and multifamily residential (B3)
 - West: Commercial (B3)
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the planning commission to modify any or all special conditions after making specified findings.
- F. **HISTORY/DISCUSSION:** The property is currently unoccupied, and, and the primary structure (605 Como Avenue) has been vacant for more than one year and is registered with the City as a vacant building. There is a second structure, which appears to be a single family home, on the same parcel. Despite being located on the same parcel, this second building has a separate address, 592 Front Street. The applicant, who will be purchasing the property, has stated that the second structure was occupied as rental housing up until approximately 1 ½ to 2 months ago. However, City records show no such use. The applicant has been advised that additional zoning approvals may be necessary to allow the use of the 592 Front Street building as rental housing. Zoning Administrator has been advised of the situation.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council has no objection to the application; letter attached.
- H. **FINDINGS:**
 1. The applicant is in the process of purchasing the property, and plans to operate an automobile sales establishment from the 605 Como commercial building. The applicant has been advised that additional zoning approvals may be necessary to allow the use of the 592 Front Street structure as rental housing.
 2. Due to vacancy, the Certificate of Occupancy (C of O) for the 605 Como Avenue building has been revoked. In September 2009, prior to revocation of the C of O, an inspection identified 21 deficiencies; property owner will be required to remedy all deficiencies before the C of O can be re-issued.
 3. §61.501 lists five standards that all conditional uses must satisfy:
 - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The property is located within an area identified as a

Neighborhood Center by the Land Use Chapter of the Comprehensive Plan. According to the Plan, Neighborhood Centers are mixed-use areas that provide, among other things, "commercial areas with goods and services for the people who live and work in them." The proposed use is also consistent with the District 6 North End-South Como Plan Summary, which identifies as a key goal to "strengthen and revitalize commercial... areas".

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed site plan shows two ingress and egress points for the property, one to the west and one to the east of the main building, both off of Como Avenue.
 - (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The property has been in a similar use for many years, and the use is consistent with the mixed commercial and residential character of the immediate area.
 - (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use is consistent with the mixed commercial and residential character of the immediate area, and the use will occupy a currently vacant property, thereby remedying a potential impediment to the improvement of surrounding properties.
 - (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The configuration of the site is consistent with the dimensional standards for a B3 district, and with the development standards for outdoor automobile sales.
4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.*
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional Use Permit for outdoor used auto sales subject to the following additional condition:
1. Total vehicles for display and sale at site at anyone time limited to a maximum of thirty-two (32), consisting of a maximum of twelve (12) vehicles in the westerly parking area and twenty (20) vehicles in the easterly parking area.
 2. Approval of Conditional Use Permit shall not constitute approval of use of 592 Front Street building for rental housing.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 09-425707

Fee: 750.00

Tentative Hearing Date:

12-29-09

AD=6

#252923.320013

APPLICANT

Name Cecil R. Hanson

Address 5598 Shumard DR

City Marshall St. MN Zip 55364 Daytime Phone 952-200-3808

Name of Owner (if different)

Contact Person (if different) Phone

PROPERTY LOCATION

Address / Location 605 Como Ave ST Paul MN 55103

Legal Description

Current Zoning B-3

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of

Chapter 65, Section 706, Paragraph of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See map conditions A-E

auto sales and rental out door

CK 3225
750⁰⁰

☒ Required site plan is attached

Applicant's Signature

[Signature]

Date

12-21-09

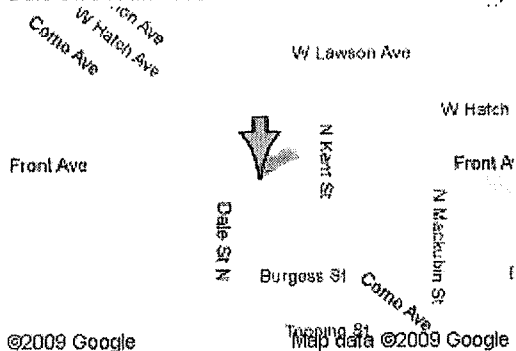
City Agent

pdd 12/8/09

BUSINESS BACKGROUND / HISTORY:

Common Cents Auto Mart, Inc. (CCAM) has recently been established to operate a used vehicle lot in St. Paul. The owner, Carl "Duff" Hanson has over 30 years of experience in new and used car sales including a similar used vehicle lot in Hopkins, MN from 1987 – 2001.

The property under contract is located at 605 Como Avenue, St. Paul, MN, 55103. It's located at the corners of Como Avenue, Dale Street and Front Avenue. This was formerly the site of Saint Paul Auto Sales.



The site is approximately ½ acre with three buildings:

- 1) Office building measuring approximately 3,000 sq/ft.
- 2) Rental home measuring approximately 1,200 sq/ft.
- 3) Garage/Office measuring approximately 500 sq/ft.

Note: All buildings will require some renovation which will be included in the financing package.

The fenced lot will be able to accommodate over 40 vehicles with two entrances from Como. The cars will have an average retail price of \$3,950—catering to working class families and individuals.

MANAGEMENT/OWNERSHIP:

Name: <u>Carl A. Hanson</u>	Position: <u>President</u>	% <u>100</u>
Name: _____	Position: _____	% _____

Common Cents Auto Mart, Inc. was established in 2009 by an automotive expert with over 30 years of car sales experience. The company will provide a unique car buying experience for customers by providing inspected, top quality, used vehicles for all types of consumers, at a competitive price.

Carl (Duff) Hanson has been working in the automotive and pleasure boat business since 1980. Mr. Hanson was the general sales manager at a Nissan dealer in California from 1980 – 1987. There he managed 26 employees and oversaw sales of over \$55 million.

When Mr. Hanson moved back to Minnesota he opened a used car lot in Hopkins, MN. There the typical annual revenues were \$2.1 million. The sales strategy was focused on working class families and individuals. This was reflected in the price of the vehicles being offered for sale. The dealership also directly financed some qualified buyers.

OTHER GENERAL INFORMATION:

Use: Used Car Lot

Ingress/Egress: There are two gates facing Como Avenue which provide adequate access to and from the site without adding to any congestion in the area.

Character of Building: The building will substantially stay "as is." Some remodel will take place to upgrade the commercial space, home and garage.

Impeded: The use of the property will be for a used car lot. This is the same as it has been for over 50 years—a used car lot.

Conformance: The use will conform will all St. Paul standards and guidelines for a used car lot.

Est. Opening Date of Business: February 15, 2010

Days of Operation: Monday-Saturday

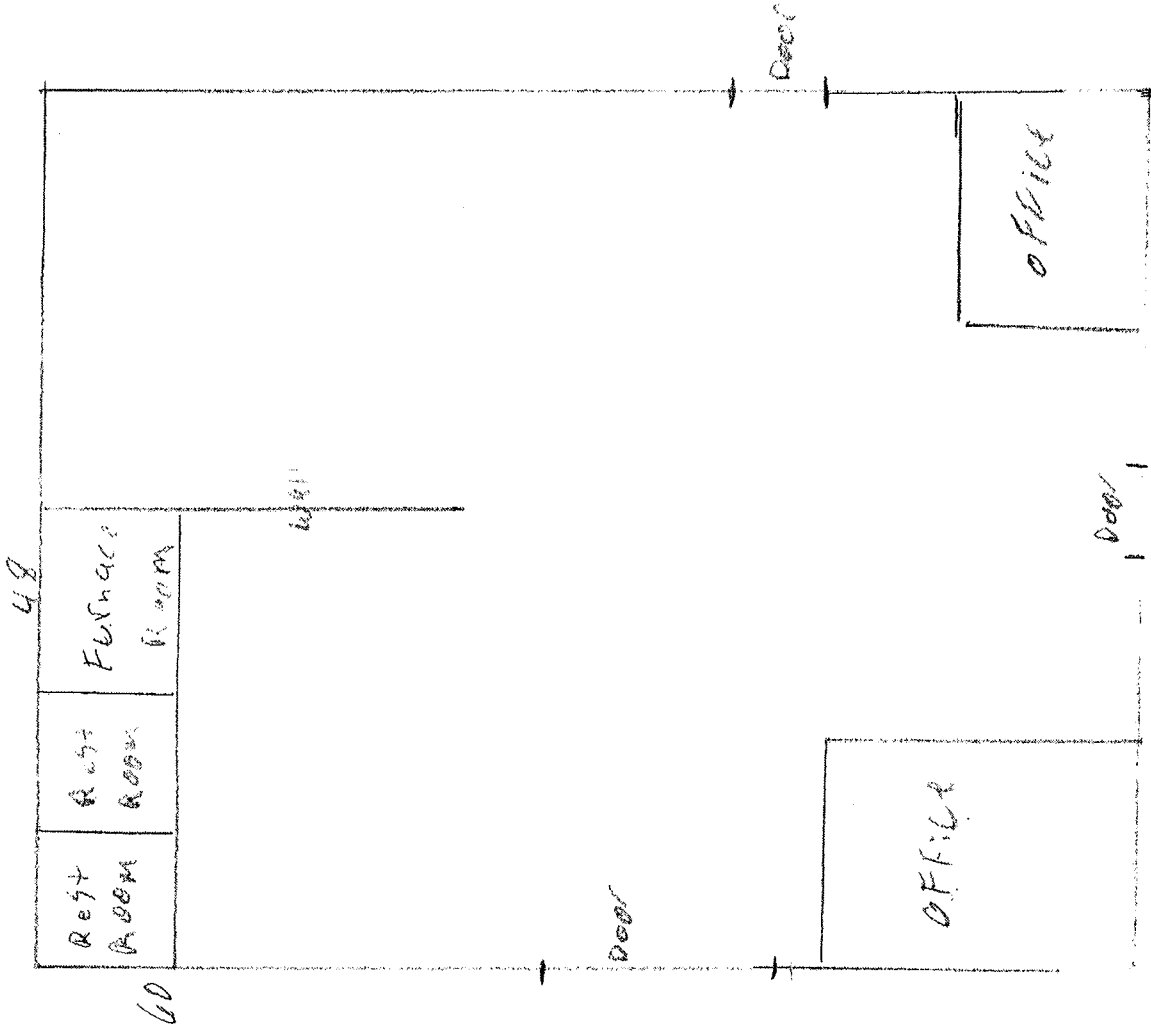
Hours of Operation:
Sunday-closed
Monday 9 -7
Tuesday 9-7
Wednesday 9-7
Thursday 9-7
Friday 9-4
Saturday 9-4

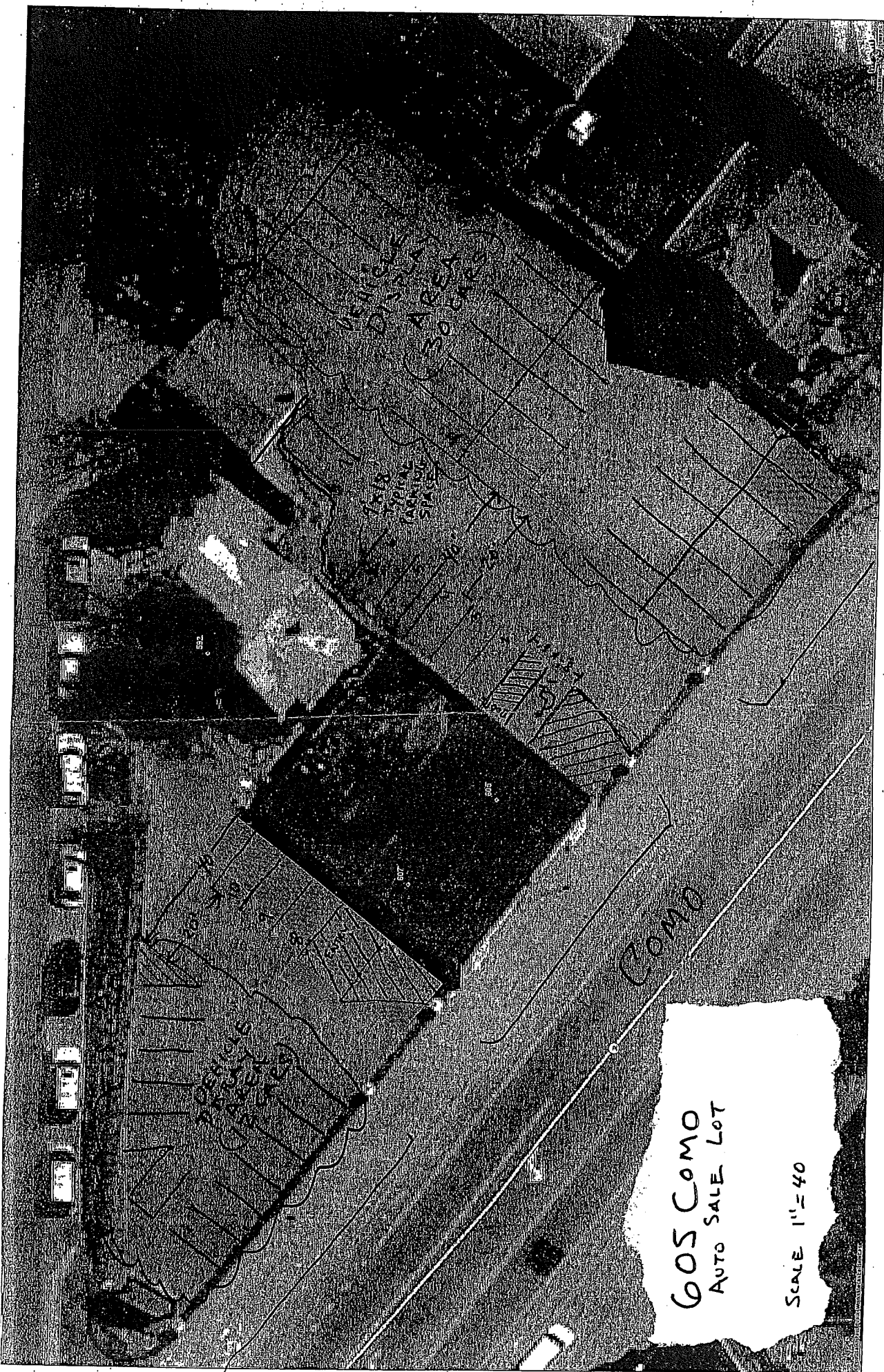
Number of Employees: 4-6 employees

1 IN = 16 FT

605 Canal Ave

main office







605 Como Ave, St Paul, MN 55103

© 2003 Tele Atlas

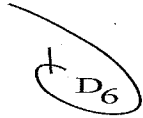
Google

© 2007

Streaming 100%

Center 44°58'11.55" N 93°07'30.39" W elev 891 ft

Eye alt 1404 ft



District 6 Planning Council

213 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6@qwestoffice.net

December 21, 2009

Josh Williams
Department of Planning and Economic Development

District 6 Planning Council has no objections to the issuance of a conditional use permit to allow outdoor auto sales and rental at 605 Como Avenue. The property has been used for this purpose in the past and District 6 is pleased to have a viable business established there. If you have questions, please contact the office.

Regards,

Jeff Martens
Land Use Chairman

Cc: Ward 5

An Affirmative Action Equal Opportunity Employer



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-8951
Web: www.stpaul.gov/dsi

December 11, 2009

GEORGE BROSHEARS
605 COMO AVE
ST. PAUL MN 55103

RE: NOTICE OF CERTIFICATE OF OCCUPANCY REVOCATION
VACANT BUILDING
RE: 605 COMO AVE
Ref. # 36885

Dear Property Representative:

Your building was determined to be a registered vacant building on December 7, 2009. Since certificates are for the occupancy of buildings, it has become necessary to revoke the Certificate of Occupancy.

THIS LETTER SERVES AS OFFICIAL NOTICE OF REVOCATION.

Saint Paul Legislative Code provides that no building shall be occupied without a Certificate of Occupancy. In order to re-occupy the building, the following deficiencies (if applicable) must be corrected and a complete Certificate of Occupancy inspection may be required.

DEFICIENCY LIST

1. 597 COMO - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.
2. 597 COMO - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.
3. 597 COMO - SPLC 34.10 (6), 34.33 (5) - Exterminate and control insects, rodents or other pests. Provide documentation of extermination.
4. 597 COMO - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.
5. ELECTRICAL - SPLC 34.14 (2), 34.34 (5) - Provide an approved electrical service adequate to meet the buildings needs. This work may require a permit(s), call DSI at (651) 266-9090.-Restore electrical service.

6. EXIT SIGNS - MSFC 1010.3 - Provide and maintain approved external or internal lighting of the exit sign.-Repair burnt out bulbs and or batteries in exit signs.
7. EXTERIOR - SPLC 45.03 (6) - Cut and maintain the grass/weeds less than 8 inches tall.
8. EXTERIOR GARBAGE - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.
9. EXTERIOR WALLS - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.
10. FIRE EXTINGUISHER - MSFC 906.1, MN Stat. 299F.361 - Provide approved fire extinguishers in accordance with the following types, sizes and locations.-Provide minimum 2A10BC fire extinguishers spaced not more than 75 feet travel distance from any point in the building to an extinguisher. They must be permanently mounted between 3 and 5 feet high in readily visible and easily accessible locations.
11. FRONT DOOR - MSFC 1010.1, 1003.3.1.8 - Post a sign stating 'THIS DOOR MUST REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED' at main exits with interior key locks. The minimum stroke of the letter must be 1 inch with a contrasting background.-Provide sign on inside door facing inward or change lock to a thumb lock.
12. FURNACE - SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.-Restore gas service and provide test.
13. GENERAL - NEC 336-6 - Provide approved methods of protection for non-metallic cable (Romex).-Provide for all unapproved romex to be removed from the ceiling or reinstalled per the current electrical code by a licensed electrician. There is an open permit and work orders given by the electrical inspector.
14. ROOF - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.
15. SIDE EXIT - MSFC 1003.3.1.8 - Remove unapproved locks from the exit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.- Remove double key deadbolt on door.
16. SINGLE FAMILY HOME - FENCE - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.
17. SINGLE FAMILY HOME - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be

painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.

18. SINGLE FAMILY HOME - SPLC 45.03 (6) - Cut and maintain the grass/weeds less than 8 inches tall.

19. SINGLE FAMILY HOME - SPLC 34.09 (2), 34.32(2) - Repair or replace the damaged handrail in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.

20. SINGLE FAMILY HOME - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.

21. SINGLE FAMILY HOME - SPLC 34.19 - Provide access to the inspector to all areas of the building.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at: kris.skow-fiske@ci.stpaul.mn.us or call me at 651-266-8949 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

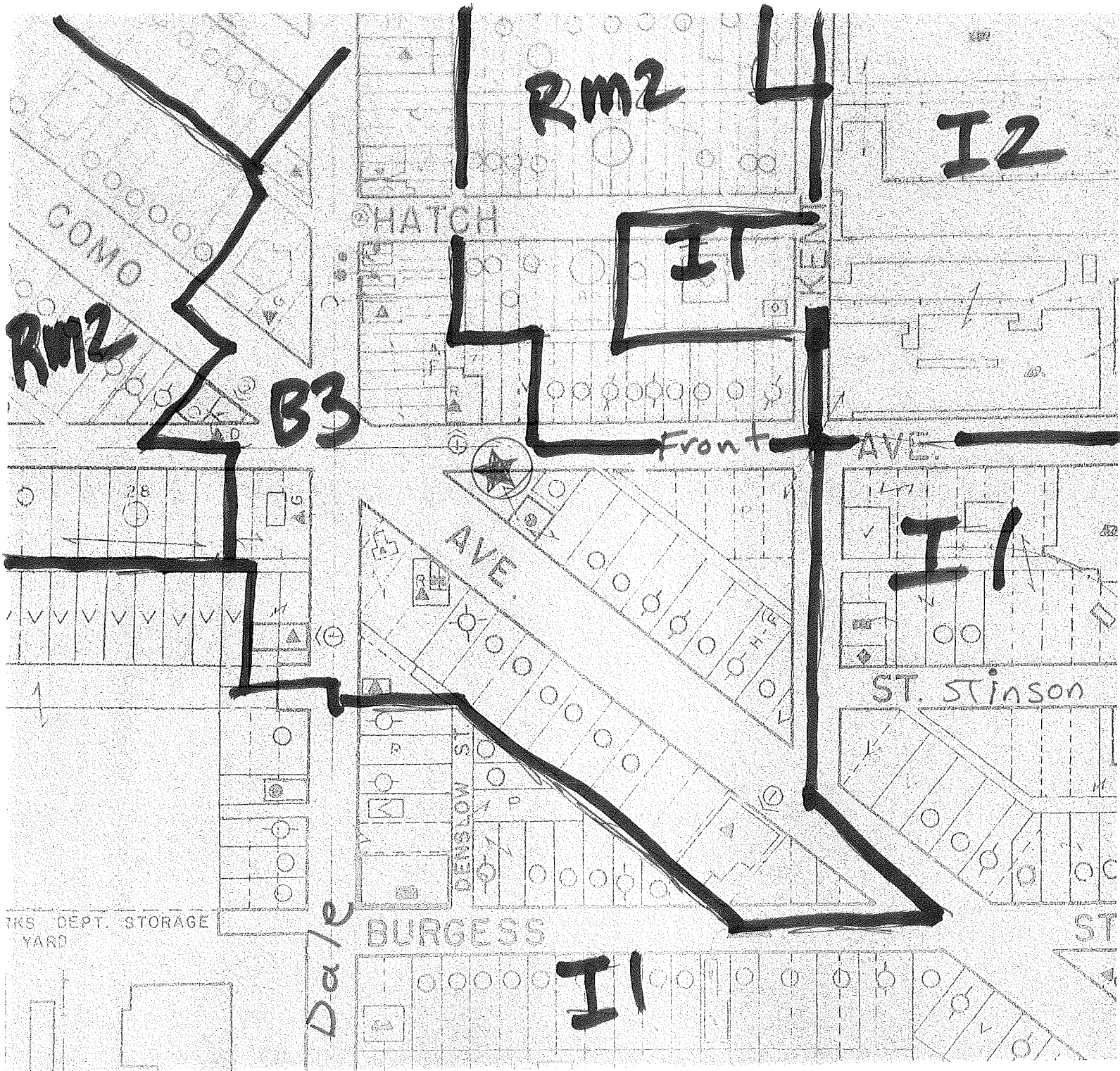
Sincerely,

Kris Skow-Fiske
Fire Inspection

Ref. # 36885

055
Como

055
16491
(013)
(014)



APPLICANT Carl Hanson
 PURPOSE Conditional USE
 FILE # 09-425707 DATE 12-10-09
 PLNG. DIST. 6 MAP # 12

SCALE 1" = 400'



LEGEND

zoning district boundary

subject property

- one family
- two family
- multiple family



- commercial
- industrial
- vacant

The map displays the City of Saint Paul, Minnesota, divided into 17 numbered planning districts. The districts are defined by thick black lines. Major streets are shown as thin lines, and parks are indicated by wavy lines. A compass rose is located in the bottom left corner, pointing North. The districts are:

- 1. SUNRAY-BATTLECREEK-HIGHWOOD
- 2. GREATER EAST SIDE
- 3. WEST SIDE
- 4. DAYTON'S BLUFF
- 5. PAYNE-PHALEN
- 6. NORTH END
- 7. THOMAS DALE
- 8. SUMMIT-UNIVERSITY
- 9. WEST SEVENTH
- 10. COMO
- 11. HAMLINE-MIDWAY
- 12. ST. ANTHONY PARK
- 13. MERRIAM PARK-SNELL-LEX-HAM
- 14. MACALESTER-GROVELAND
- 15. HIGHLAND
- 16. SUMMIT HILL
- 17. DOWNTOWN

The map also shows the Mississippi River, various parks (Seward, Como, Seward, etc.), and numerous streets (Hwy 1, Hwy 2, Hwy 3, etc.).

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-425707

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Greg Brendemuehl **FILE #**09-424-870
 2. **APPLICANT:** Greg Brendemuehl **HEARING DATE:** December 29, 2009
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit-Reestablishment
 4. **LOCATION:** 267 Front Ave, between Matilda & Galtier
 5. **PIN & LEGAL DESCRIPTION:** 252923130208; AUERBACH & HAND'S ADDITION TO THE CITY OF ST. PAUL LOT 5 BLK 47
 6. **PLANNING DISTRICT:** 6
 7. **ZONING CODE REFERENCE:** §62.109(d) **PRESENT ZONING:** B2
 8. **STAFF REPORT DATE:** December 21, 2009 **BY:** Sarah Zorn
 9. **DATE RECEIVED:** December 3, 2009 **60-DAY DEADLINE FOR ACTION:** February 1, 2010
-

- A. **PURPOSE:** Re-establishment of legal nonconforming use as a 4-plex
- B. **PARCEL SIZE:** 40 ft. (Front) X 130 ft. = 5,200 sq. ft.
- C. **EXISTING LAND USE:** Vacant residential structure and commercial warehouse/garage.
- D. **SURROUNDING LAND USE:**
 - North: Single and two-family residential (RT1)
 - East: Vacant commercial (B2)
 - South: Single and two-family residential (RT1)
 - West: Single and two-family residential (RT1)
- E. **ZONING CODE CITATION:** §62.109(d) lists the conditions under which the Planning Commission may grant a permit to re-establish a nonconforming use.
- F. **HISTORY/DISCUSSION:** In 1982, when the residential structure was being moved to the property, there was a variance application for a reduced setback (#9144). The setback issue was resolved and the application was later withdrawn. A site plan was also submitted at this time (File #675), but was abandoned by the applicant.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 6 Council recommends a single family use for this property, but finds a duplex acceptable.
- H. **FINDINGS:**

1. The structure was moved to this location in 1982 from 364 Front Avenue. At that time, this lot and the commercial/residential lot to the east were combined as a single parcel. The stated intent of moving the building was to expand the contracting business into the first floor of the structure and have two units on the second level. The B2 district allows for residential units on the second floor; a residential use is permitted on the first floor as long as it occupies less than 50% of the floor area and 50% or more is used for a commercial use. The business expansion never took place, although two units may have been constructed on the upper floor. Certificate of occupancy records from 1996 indicate that the property was being used as an illegal duplex. City and County records indicate that there were five units on the property in 2001, when the lots were still combined; at least two of those units were on the upper floor of the commercial building. The parcels were later split, likely in 2002 or 2003. Records indicate that a Certificate of Occupancy was approved in 2004 for a four unit building at 267 Front. The Certificate of Occupancy was renewed in 2007 and approved with deficiencies; the deficiencies were never corrected and the C of O was revoked that same year. Although records do not indicate that a subsequent C of O was issued, a revocation is listed in 2009. A team inspection took place in June of 2009 and numerous deficiencies were cited.

The existing large commercial garage structure at 267 Front was in place, and used for the contracting business, prior to the home being moved onto the combined lot in 1982. Because

there is no alley on this block, access to the garage is from Galtier and requires crossing the adjacent property to the east. This arrangement was acceptable when the lots were combined, and the combined site allowed for parking for both the business and residences; however, following the lot split, the structure at 267 Front has no legal access to parking, and there is no longer legal access to the commercial warehouse/garage structure behind the residential structure at 267 Front. The lot split was recorded by Ramsey County without review or city approval for conformance with city regulations.

2. The property has been unoccupied since 2007, when the Certificate of Occupancy for four units was revoked. The building was placed on the vacant building list in July of 2008. The applicant is seeking to re-establish the use as a four unit building, which is legally nonconforming in a B2 district.
3. Section 62.109(e) states: *When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for a continuous period of three hundred sixty-five (365) days, the planning commission may permit the reestablishment of a nonconforming use if the commission makes the following findings:*
 - (1) *The structure, or structure and land in combination, cannot reasonably or economically be used for a conforming purpose.* This finding may be met. While the former residential structure was originally constructed as a duplex according to a report done on the structure prior to it being moved to this site for a conforming purpose in 1982, there does not now appear to be a market for a conforming use of the building. On the other hand, the large commercial warehouse/garage does not fit residential use of the site and has no legal access.
 - (2) *The proposed use is equally appropriate or more appropriate to the district than the previous nonconforming use.* This finding is not met for the use as a four-plex, but may be met if the number of units were reduced to two, which appears to be the building's use when it was moved onto the site. The C of O for a four-plex in 2004 does not conform with zoning regulations then or now.
 - (3) *The proposed use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is not met for a four-plex, but may be met for a duplex. It appears that the house was originally constructed as a duplex, and its deconversion to the original number of units would be more appropriate to the existing character of the neighborhood and consistent with the properties adjoining it to the west and north. Because the property has no legal access to parking, it is more consistent with public safety and welfare for residents from two units to park on-street than for residents from four units to park on the street.
 - (4) *The proposed use is consistent with the comprehensive plan.* This finding may be met. The Housing Policy Plan supports production of rental housing (Policy 5.3) and the Land Use Plan supports a range of housing types (Objective 5.3). However, the District 6 Plan indicates support for an increase in owner-occupied housing in this area.
 - (5) *A notarized petition of two-thirds of the property owners within one hundred (100) feet of the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on December 9, 2009: 14 parcels eligible; 10 parcels required; 11 parcels signed.

The application for the permit shall include the petition, a site plan meeting the requirements of section 61.401, floor plans, and other information as required to substantiate the permit. This requirement is met.

- I. **STAFF RECOMMENDATION:** Based on the findings above, staff recommends denial of re-establishing legal nonconforming use of the building as a four-plex, but recommends approval

Zoning File #09-424-870

Zoning Committee Staff Report

Page 3

of re-establishing legal nonconforming use as a duplex, subject to the condition that the applicant receives a certificate of occupancy for a duplex.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only

File #:

Fee:

Tentative Hearing Date:

12/29-09

#252923.130208

APPLICANT

Name

GREG BRENDENMUEHL

Address

26051 EATON AVE

City

FARIBAULT St. MN Zip 55021

Daytime Phone

507-412-9665

Name of Owner (if different)

CAL BRENDENMUEHL

Contact Person (if different)

Phone

PROPERTY LOCATION

Address/Location

267 FRONT AVE. ST. PAUL MN 55117

Legal Description

AUERBACH E HANDS ADDITION TO LOT 4/47

Current Zoning

RESIDENTIAL-MULTI-FAMILY

(attach additional sheet if necessary)

Z-B2

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for:
- ☐ Change from one nonconforming use to another (para. c)
 - ☒ Re-establishment of a nonconforming use vacant for more than one year (para. e)
 - ☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
 - ☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use

FOUR- PLEX

Proposed Use

FOUR- PLEX

Attach additional sheets if necessary

Attachments as required ☐ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature

Greg Brendenmuhl

Date

11-9-09

City Agent

11-19-09

Greg Brendenmuhl

12-3-09

12/3/09

12-3-09
CK 349
650.00

CK
349.00
650

267 Front Ave.
St. Paul MN 55117
Greg Brendemuehl

Statement:

Hello, my name is Greg Brendemuehl. This letter is regarding my application for a non-conforming permit, 267 Front Avenue in Saint Paul 55117. I have been looking for a place to live over the summer and chose this house in St. Paul. It is a place that I can fix up to make my own. Unfortunately, it has been vacant for three years and after 365 days it reverts back to a single family dwelling. It was built as a four-plex, and in order to complete the sale as a four-plex, a non-conforming permit needs to be in place. There is code work necessary to meet Saint Paul regulations, but the property is currently structured to provide four apartments.

When speaking with all neighbors, they were excited to have someone in the neighborhood to invest a good, safe, clean effort. None of whom I spoke with were concerned about it being four-plex. I feel that my residency and ownership will benefit them and the city, as well as provide people a comfortable place to stay in a needing time.

I believe with my hard work I can provide a great location for both myself and others to live. I have included all the paperwork you need in order to make a decision towards granting the permit. I look forward to your cooperation and permitting a great housing option for the city of St Paul.

Please contact me if you have any questions or concerns

Sincerely,
Greg Brendemuehl
507-412- 9665

1). The expense intailed in meeting code for single family is estimated at 90-100 thousand dollars.

Currently in the form of a four plex.

2). This building will be an excellent location to house the people of St Paul.

3). This permit will allow for the proper fixing of a property into a clean and approved manner for the nieghborhood. surrounding people are in support of my efforts.

Documentation is included.

Greg Brendemuehl
507-412-9665

PROMOTIONS



CREDIT SCORE
Click Here - \$0



TC Hall Damage?
CALL GUARDIAN

© 2008 Comcast Cable
Communications

UPDATED: Privacy
Policy

UPDATED: Terms of
Service

Contact Add Comcast
Us Services

Tell Us What You
Think

1.) Structures residential

4 units

Now economic to convert to commercial

2.) proposed is same as previous

equally

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of GREG BRENDENMUEHL,
(name of applicant)

to establish a 4-PLEX,
(proposed use)

located at 267 FRONT AVE. ST. PAUL MN.,
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

	ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
①	260 Hatch Ave	GREG BAUER JR	<i>[Signature]</i>	10/28/09
	964 Galtier St	CANDICE RUTH	<i>[Signature]</i>	10/28/09
	976 GALTIER ST	Robert Trusty	<i>[Signature]</i>	10/28/09
②	272 Front Ave	FRANCIS GARDNER	<i>[Signature]</i>	10/28/09
③	959 GALTIER ST.	Ann Penaz	<i>[Signature]</i>	10/28/09
④	975 Galtier St	Patty Bearden	<i>[Signature]</i>	11/17/09
⑤	276 Hatch	Zsuzsanna	<i>[Signature]</i>	11/18/09
⑥	976 Milla	Suzanne	<i>[Signature]</i>	11/18/09
⑦	276 Front	Son Dex	<i>[Signature]</i>	11/18/09
⑧	271 Front	LOREL HOWELL	<i>[Signature]</i>	11/18/09
⑨	277 FRONT	MIKE VICKINGS	<i>[Signature]</i>	11/18/09
⑩	267 FRONT			

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of JEFF BRENDENUEHL
(name of applicant)

to establish a 4- PLEX
(proposed use)

located at 267 FRONT AVE. ST. PAUL MN.
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
240 Hatch Ave	Greg Bauer Jr	<i>Greg Bauer Jr</i>	10/26/09
964 Galtier St	CANDICE ROTH	<i>C. Roth</i>	10/28/09
976 GALTIER ST	Robert Trust	<i>Robert Trust</i>	10/28/09
972 Front Ave	FRANCIS GARCIA	<i>Francis Garcia</i>	10/28/09
959 GALTIER ST.	Ann Penaz	<i>Ann Penaz</i>	10/28/09
975 Galtier St	Patty Bearden	<i>Patty Bearden</i>	11/17/09
⑩ 267 FRONT AVE	Ann Walter	<i>Ann Walter</i>	11/25/09
⑪ 283 Front Ave	EL Management	<i>EL Management</i>	12/1/09

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

9708

CITY OF SAINT PAUL

AFFIDAVIT OF PETITIONER FOR A CONDITIONAL USE PERMIT OR A NONCONFORMING USE PERMIT

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

The petitioner, Greg Brendemuehl, being first duly sworn, deposes and states that the consent petitioner is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name; each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition; the consent petition contains signatures of owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition; and the consent petition was signed by each said owner and the signatures are the true and correct signatures of each and all of the parties so described.

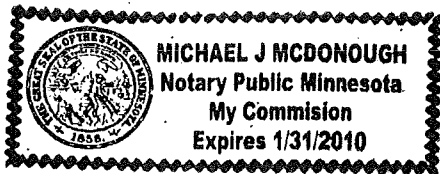
Greg Brendemuehl
NAME

26051 Eaton Ave. Faribault
ADDRESS

507-412-9665
TELEPHONE NUMBER

Subscribed and sworn to before me this

1 day of DECEMBER, 2009



NOTARY PUBLIC

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: 11-19-09

DATE PETITION RESUBMITTED: 12-3-09

DATE OFFICIALLY RECEIVED: _____

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 14

PARCELS ELIGIBLE: 14

PARCELS REQUIRED: 10

PARCELS REQUIRED: 10

PARCELS SIGNED: 9

PARCELS SIGNED: 11

CHECKED BY: Paul Dubruel

DATE: 11-23-09

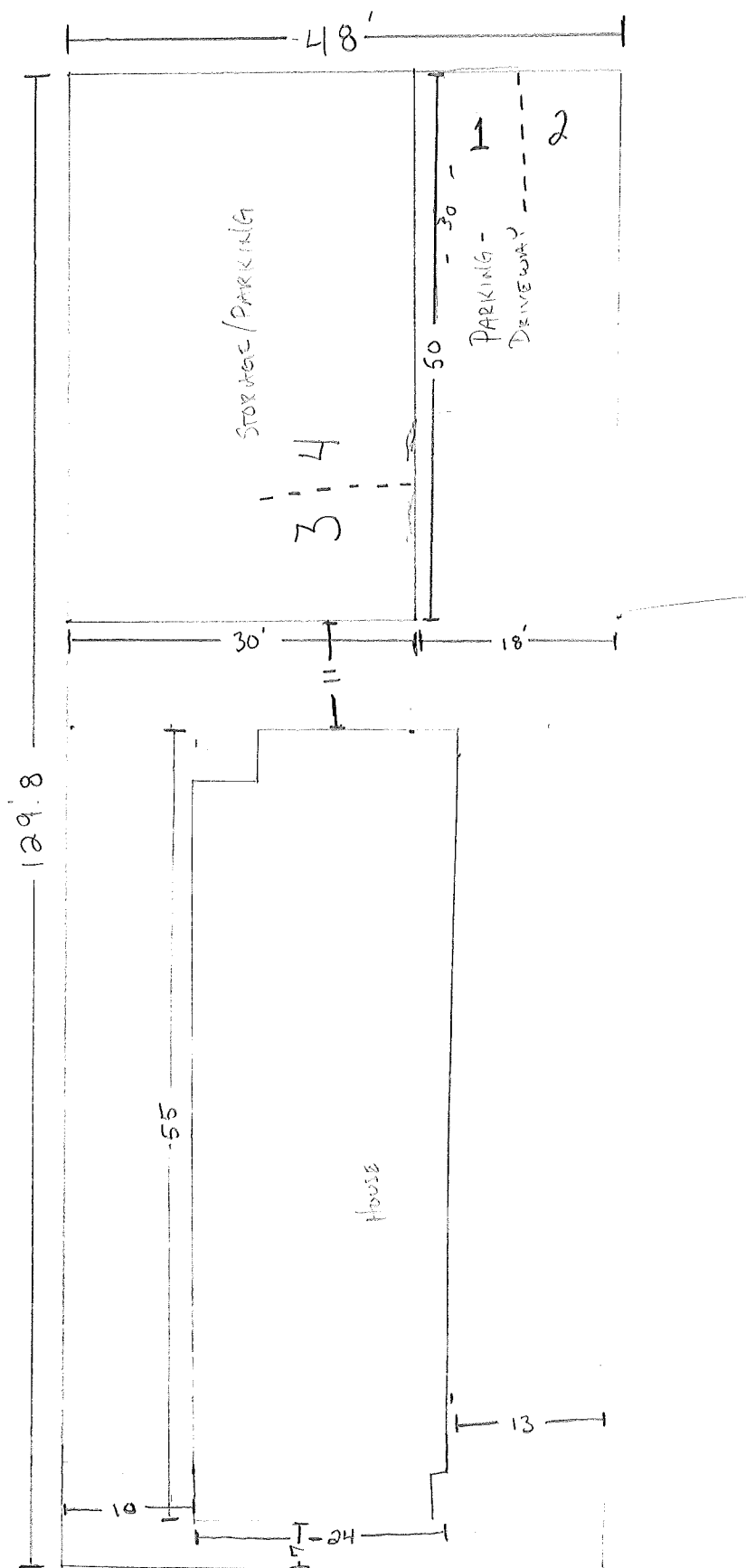
Paul Dubruel

12-9-09

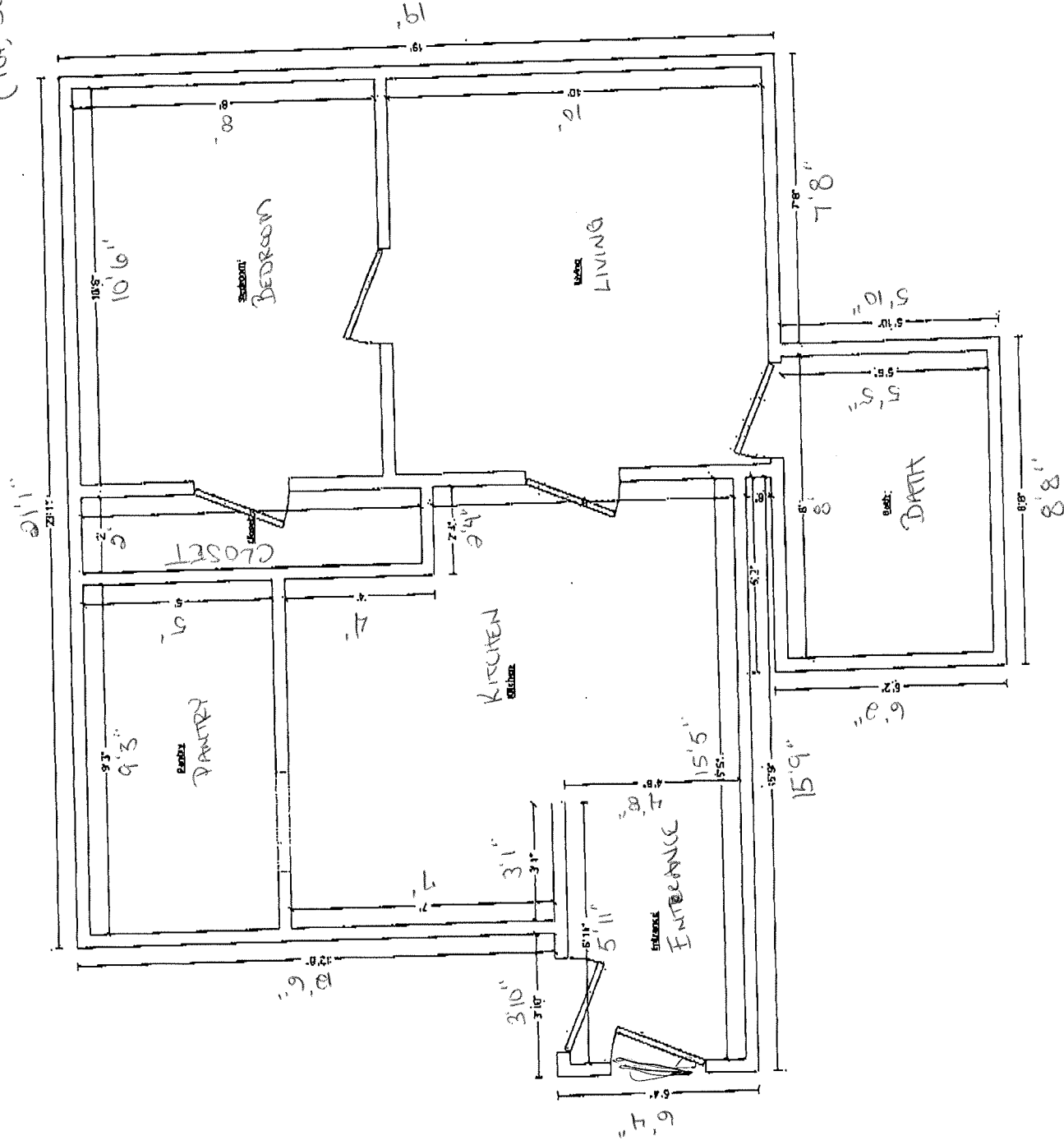
AUERBACH & HANDS ADDITION TO LOT 4/47

129'85" X 48'

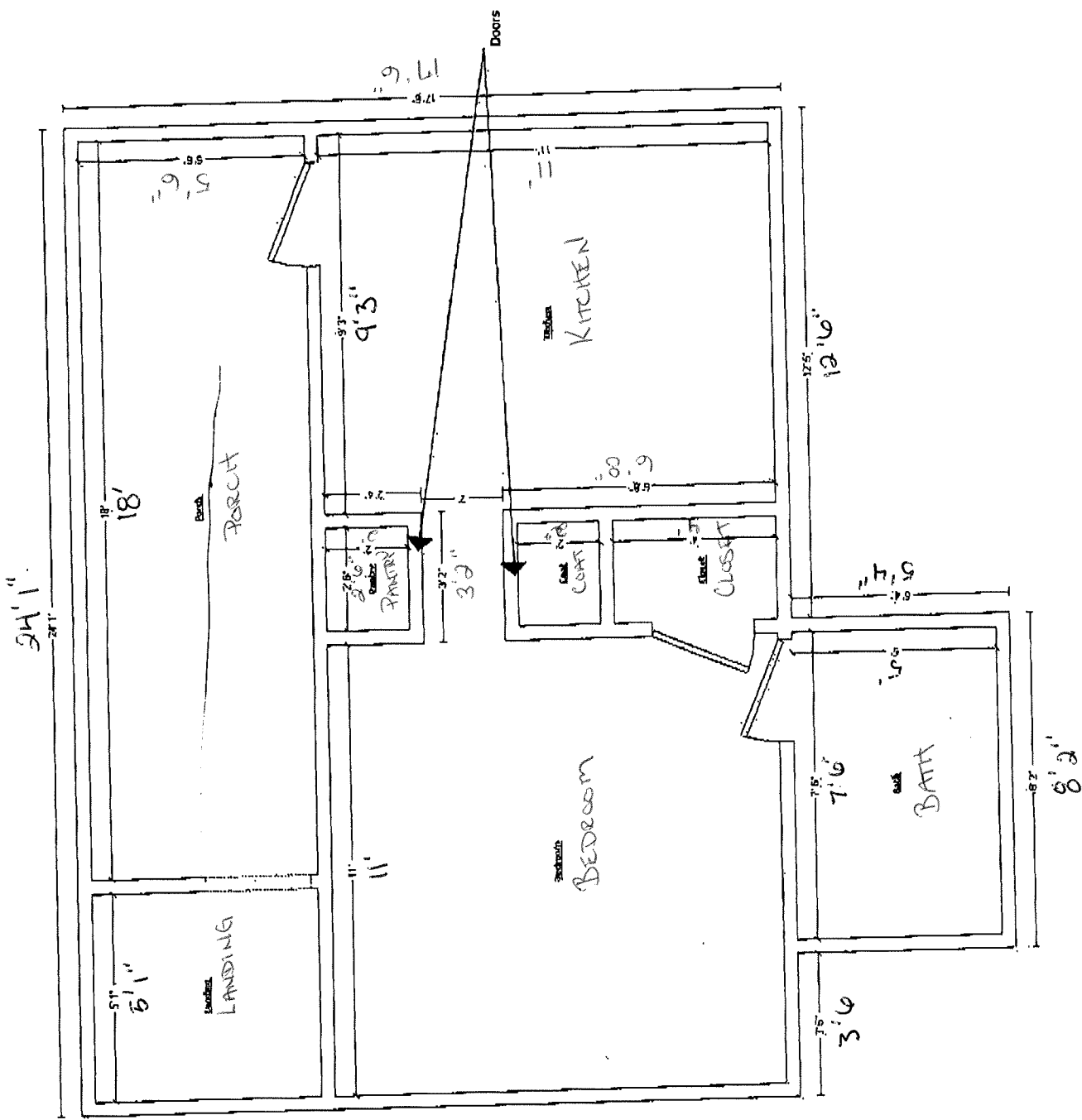
1" = 15'



ONE BEDROOM (Top, South)



STUDIO (TOP, NORTH)



27

North

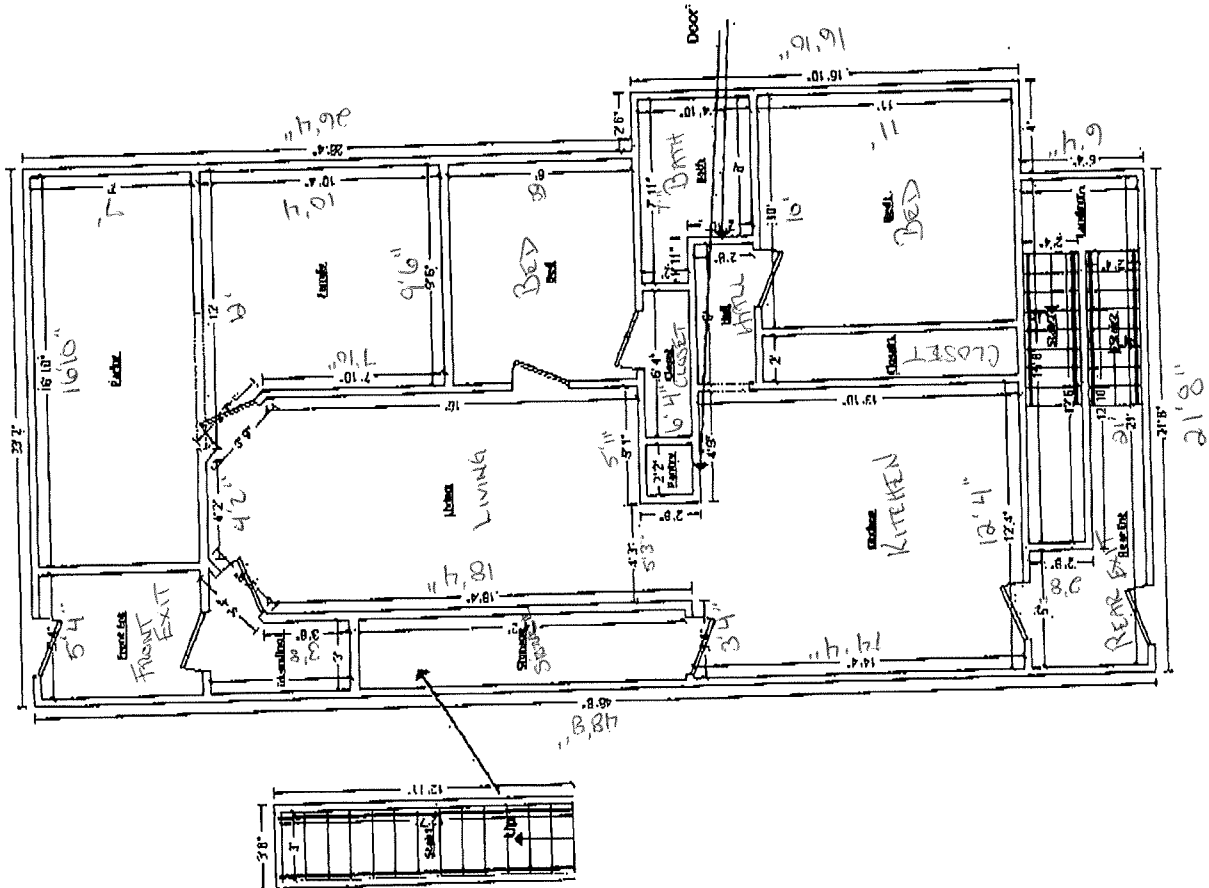
11/4/2009

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BREND-909066-RC

MAIN LEVEL

Main Level



Main Level

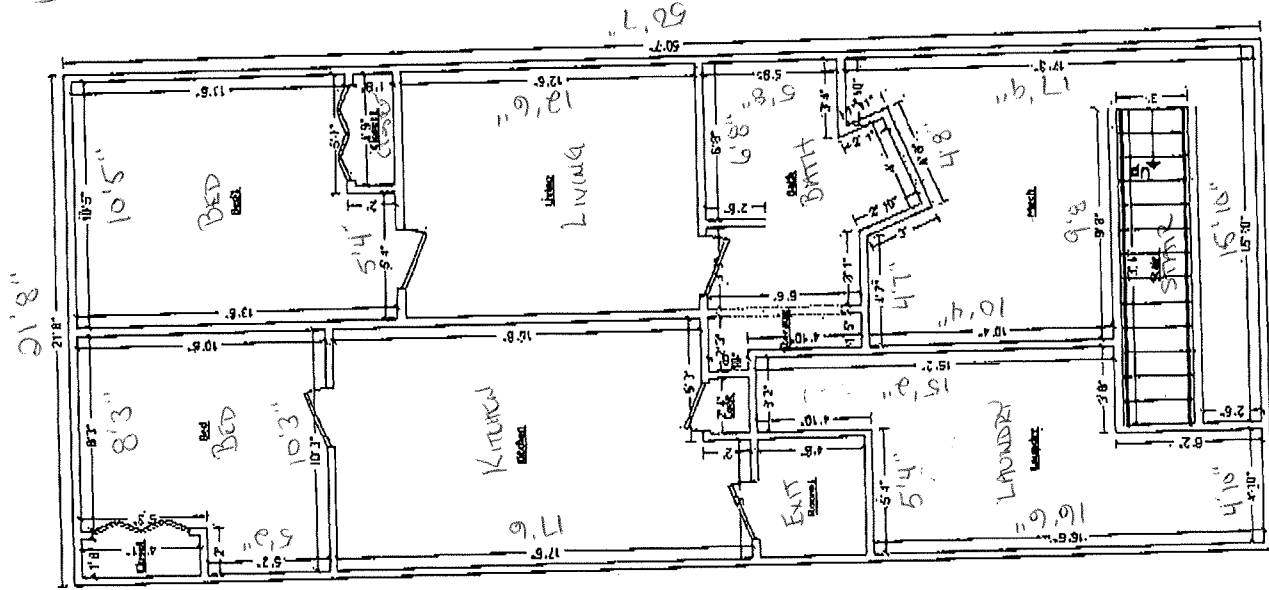
Page: 11

11/4/2009

BREND-909066-RC

Two BED (DOWNSTAIRS)
+ UTILITY

Garden Level



☐ = GARAGE
☒ = ON STREET PARKING

CHURCH

RENTAL

BUSINESS

MATILDA

RENTAL

DUPLEX

DUPLEX

4-plex

DUPLEX

PARKING

GALTIER

PARKING

PARKING

DUPLEX

FRONT

RENTAL

DUPLEX

DUPLEX

DUPLEX

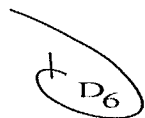
DUPLEX

DUPLEX

FORECLOSURE

BUSINESS/
DUPLEX

DUPLEX DUPLEX



District 6 Planning Council

213 Front Avenue
Saint Paul, MN 55117
651-488-4485 fax: 651-488-0343
district6@qwestoffice.net

December 8, 2009

Planning & Economic Development

Department of Zoning

252923130208-267 Front Avenue

Re-establishment of a nonconforming use permit vacant for more than 1 year

District 6 Planning Council received preliminary information concerning an application of a nonconforming use permit for the property located at 267 Front Avenue. District 6 Planning Council's Land Use Task Force recommends that the building has a single-family use, but will recommend approval of a duplex.

The present and past use as indicated on the application is single family and the proposed use is a four-plex. This structure sits close to the sidewalk on a small lot with the yard taken up by an industrial garage. Removing the garage would give more space, but there are concerns with land pollution. This application also runs counter to the District 6 Large Area Plan goals of increasing home ownership and decreasing the ratio of rental property and housing density. From a practical standpoint there is a surplus of housing units and high residential vacancies which should preclude adding more units.

According to the Team Inspection dated June 9, 2009 there are seventy-three deficiencies that must be corrected before a Certification of Occupancy is issued. The list runs from installing house numbers to repair walls, electrical issues to providing exits from units. The cost of rehabbing this structure may far outweigh the income generated by rehabbing it. District 6 Planning Council has adopted a set of criteria concerning the rehab of vacant buildings and this structure falls into the removal not rehab category. As stated, if this property is to be rehabilitated, the Land Use Task Force recommends it being a single family home.

If you have comments or questions please contact the office at the numbers above.

Regards,

Jeff Martens

Jeff Martens

Land Use Task Force Chairman

Cc: Councilmember Lee Helgen

AA-ADA-EEO-Employer

History for #09-424-870

3/5/87

To: File
From: Tom Beach
RE: Closing of file

This Site Plan Review file was closed on 3/5/87 as an inactive file.

We had not heard from the applicant in over 6 months so a letter was sent to the applicant instructing him to notify us if he wanted the file to be kept open. After 30 days no reply was received.

So we closed the puppy up!

APPLICATION FOR SITE PLAN REVIEW
CITY OF SAINT PAUL

Site Plan Review #

675

Application is hereby made to the Planning Commission for Site Plan Review under the provisions of Section 62.108 of the Zoning Code for the project and property described below:

PROJECT NAME: Expansion: Office & Storage

PROPERTY ADDRESS/LOCATION: 263-267 Front Ave. (N.W. Cor. Galtier + Front)

LEGAL DESCRIPTION: Auerbach & Hands Edition. Lots 4 & 5. Lot 47

OWNER: Name Joseph J. Taney Address 1266 Galtier Phone 489-3151

APPLICANT: Name Same Address _____ Phone _____

TYPE OF USE: Mixed - Business/Residential

Attach written narrative describing the development and type of use.

PROJECT COST ESTIMATE: \$60,000.00

\$3,500.00 Site Improvements (utilities, drainage facilities, paving, lighting)

\$300.00 Landscaping (planting materials, sodding/seeding)

\$3,800.00 TOTAL

Ten copies of a site plan are submitted which include the following information as described on the attached "Site Plan Review Requirement":

X Property boundaries
X Building locations and dimensions on and within 25 feet of property
X Roadways, access
N/R Grading Plan

X Drainage Plan
X Parking areas, loading docks, etc.
X Landscape Plan
N/R Utility Plan
N/A Easement locations
X ~~Site~~ Development Summary

A Filing Fee of \$50.00***** is paid as required (see "Site Plan Review Requirements").

Applicant's signature Carol P. Linder Date 4-6-82 City Agent FB

If you have any questions, please contact:

St. Paul Zoning Office
1100 City Hall Annex
25 West Fourth Street
Saint Paul, Minnesota 55102
(298-4154)

pd. \$50.00 4/6/82

4101
1/1/82



GEORGE LATIMER
MAYOR

CITY OF SAINT PAUL
DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

DIVISION OF PLANNING

25 West Fourth Street, Saint Paul, Minnesota, 55102
612-298-4151

April 23, 1982

Joseph T. Taney
1266 Galtier
St. Paul, Minnesota 55117

Re: Letter of Intent to Approve Site Plan Review #675, Office Expansion,
263-267 Front Avenue (NW corner Galtier and Front)

Dear Mr. Taney:

We intend to approve the referenced site plan upon receipt of a performance bond agreement to ensure landscaping improvements of \$1000.00.

This intent to approve is subject to the following conditions:

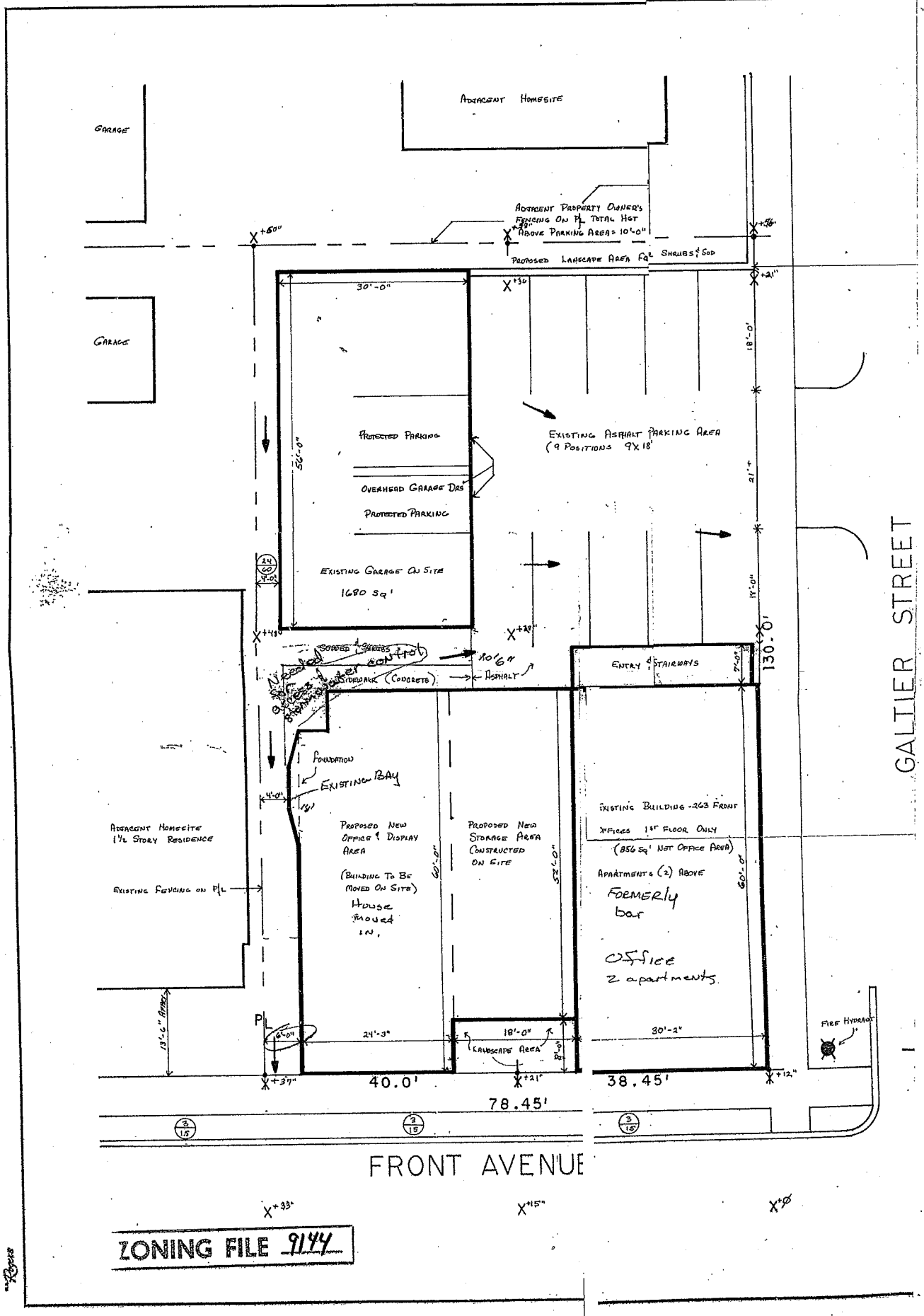
1. Rainleaders must discharge to grade (to previous areas where possible).
2. A sanitary sewer plan must be submitted to the Sewer Division.
3. The site must be landscaped as indicated on the plan, dated April 21, 1982, and agreed to by the City's design staff and the contractor.

If you have any questions, please call Donna Daykin at 292-6224.

Sincerely,

Peggy A. Reichert
Deputy Director - Planning

PAR/DD/cc



CONCRETE BLOCK RETAINING WALL - APPROX 4'-0" ABOVE
PARKING SURFACE

PROPERTY BOUNDARY

PL

Spot ELEVATIONS (INCHES - ABOVE)

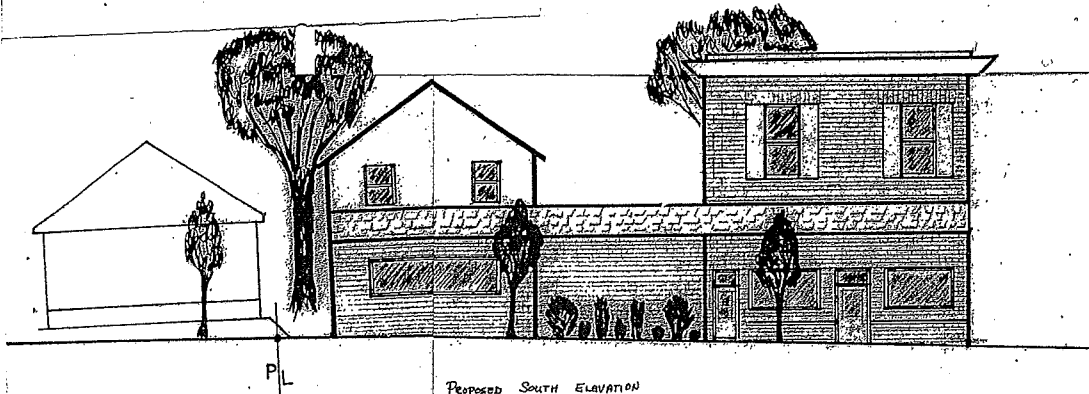
X ±113

DRAINAGE FLOW



EXISTING TREES

TRUNK DIAMETER
APPROX HEIGHT



Proposed South Elevation

OFFICE EXPANSION

SCALE: 1" = 12'

APPROVED BY:

DRAWN BY: APL

DATE: 4-6-82

REVIEWED:

JOE TANEY GENERAL CONTRS.

DRAWING NUMBER:

Receipt No. _____

REPORT ON BUILDING TO BE MOVED
AND LOCATION AT NEW SITE

X Present Location 364 FRONT
X Type of Bldg: Single _____ Duplex X Apt. _____ Commercial _____
X Size: 24 x 51 ft. wide; _____ ft. long _____ ft. high.
No. of stories 2 Basement yes
Condition of Building GOOD

Code Violations: Window sizers to conform to present code
of 8% of floor area & provided for recesses &
egress from bed rooms. Damaged plaster and
floor to be replaced. All mech. & elec. to meet
present codes.

X MOVER'S NAME SEMPLE MOVERS
Address _____ License No. _____

X NEW LOCATION: On 265 ^{FRONT} side of WEST LOT OF 263 FRONT

X Between 263 & 267 FRONT and _____

Lot _____ Block _____ Add. _____

Zoning: B-2

Size of Lot Site plan submitted to H. Lane

Setback: Front _____ Side Yards _____ Rear Yard _____

Foundation Permit No. _____

MOVING ROUTE: _____

RECOMMENDATIONS: _____

2 APRIL 19 82

D. P. Cury
Inspector

DEPARTMENT

GENERAL BUILDING PERMIT
CITY OF SAINT PAUL

CITY OF SAINT PAUL

OFFICE OF LICENSE, INSPECTIONS AND
ENVIRONMENTAL PROTECTIONBUILDING INSPECTION AND DESIGN
350 St Peter Street - Suite 300
Saint Paul, Minnesota 55102-1510 651-266-9090

Permit No.

183671

Egress Window

PLAN NO.

DATE 6/23/99

OWNER Lonnie D. LeClair

OWNERS ADDRESS

263-267 Front Ave St Paul, MN

☐ OLD☐ NEW

TYPE CONST.

V-N

TYPE OF OCCUPANCY

APARTMENT R-1

☐ BUILD☐ GRADING AND EXC.☐ STUCCO OR PLASTER☐ DRYWALL☐ FENCE☐ ADDITION☐ ALTER☐ REPAIR☐ MOVE☐ WRECK

NUMBER

STREET

SIDE

CROSS STREETS

267

Front Ave

WARD

LOT

BLOCK

ADDITION OR TRACT

LOT

WIDTH

DEPTH

SIDE LOT CLEARANCE

BUILDING LINE

FRONT

REAR

STRUC-
TURE

WIDTH

LENGTH

HEIGHT

STORIES

ESTIMATED VALUE

BASEMENT

TOTAL FLOOR AREA

\$600.00

☐ YES ☐ NO

SQ. FT.

INCLUDE BASEMENT

DETAILS & REMARKS:

INSTALL EGRESS WDW IN BASEMENT
BEDROOM WDW

INSP- TODD BENSON @ 266-9028

TEL NO.

ARCHITECT

Lonnie LeClair

CONTRACTOR

OWNER-

ADDRESS & ZIP

MASONRY

PERMIT FEE

23.75

STATE VALUATION

\$600.00

PLAN CHECK

STATE SURCHARGE

.50

TOTAL FEE

\$24.25

 06/23/99 0001209:24AM CLERK 1
 2811 BUILDING \$23.75
 9534 SURCHARGE B \$.50
 SUBTTL \$24.25
 CHECK TND \$24.25
 CHANGE \$.00

APPLICANT CERTIFIES THAT ALL INFORMATION IS CORRECT AND THAT ALL PERTINENT STATE REGULATIONS AND CITY ORDINANCES WILL BE COMPLIED WITH IN PERFORMING THE WORK FOR WHICH THIS PERMIT IS ISSUED.

 CASHIER USE ONLY
 WHEN VALIDATED THIS IS YOUR PERMIT

AUTHORIZED SIGNATURE

ADDRESS OF JOB 267 Front Ave

(263)
ZONING REVIEW REQUEST
Certificate of Occupancy

ADDRESS: 267 Front Ave DATE: 25 Nov 96
PIN/PARCEL CODE: 25-29-23-13-0137 REQUESTED BY: Jary Stevens
2nd renovation
PREVIOUS USE: ?

CURRENT USE:

Duplex with large storage shed at rear of property with access from latter st (Joe Loney Construction) residential room count:

ZONING DISTRICT: B-2

COMMERCIAL USE:

ZONING STATUS FOR

RESIDENTIAL USE:

duplex
LEGAL

LEGAL NONCONFORMING

X ILLEGAL

by: K. Zacho

date: 12-6-96

COMMENTS:

50% of 1st floor in a B-2 zone must be used for commercial purposes.

If checked, to be included in correction letter:

- [X] The use of the property does not conform to zoning requirements. Before the building may be certified, the zoning issue must be resolved. Contact the zoning section in the Building Code Division at 298-4212.
- [] There is an outstanding zoning problem on this property. Before the Certificate of Occupancy may be renewed, the zoning issue must be resolved. Contact the zoning section in the Building Code Division at 298-4212.
- []

ZONING WORKSHEET

ADDRESS: 267 Front
 PIN: 25-29-23-13-0139 dist 8

BUILDING CARD INFORMATION:

CONSTRUCTION DATE: _____ PERMIT: _____ TYPE OF STRUCTURE: _____

PERMITS COUNTY ASSESSOR'S RECORDS LICENSE RECORDS CITY DIRECTORY

10-28-1990 - wood 1 1/2 story ~~br~~ dwl.

move 6-8-82 - from 364 Front concl bldg.

LEGAL DESCRIPTION: Lots 4 + Lot 5 Blk 47 Auerbach + Harb
Add.

LOT SIZE: _____

CROSS STREETS: _____

ZONE	USE (C/NC)	UNITS PERMITTED	REQUIRED LOT SIZE	LOT SIZE (C/NC)
X	C			C
1922				
1960				
1964 <u>Concl</u>	<u>C</u>			
1975				
<u>B-2</u>	<u>NC</u>	ROOMS: UNITS:		

ZONING STATUS FOR _____ COMMERCIAL USE: _____ PLANNING: _____
duplex RESIDENTIAL USE: _____ ZONING FILE _____
 _____ LEGAL - CONFORMING _____ NO RECORD _____
 _____ LEGAL - CONFORMING USE WITH NON-CONFORMING LOT SIZE
 (for residential)
 _____ LEGAL - NON-CONFORMING USE
P ILLEGAL

50% 1st fl. s/b concl.
 12-6-96
 krz



267 Front Avenue



Commercial building to the east



Garage access to 267 Front Ave



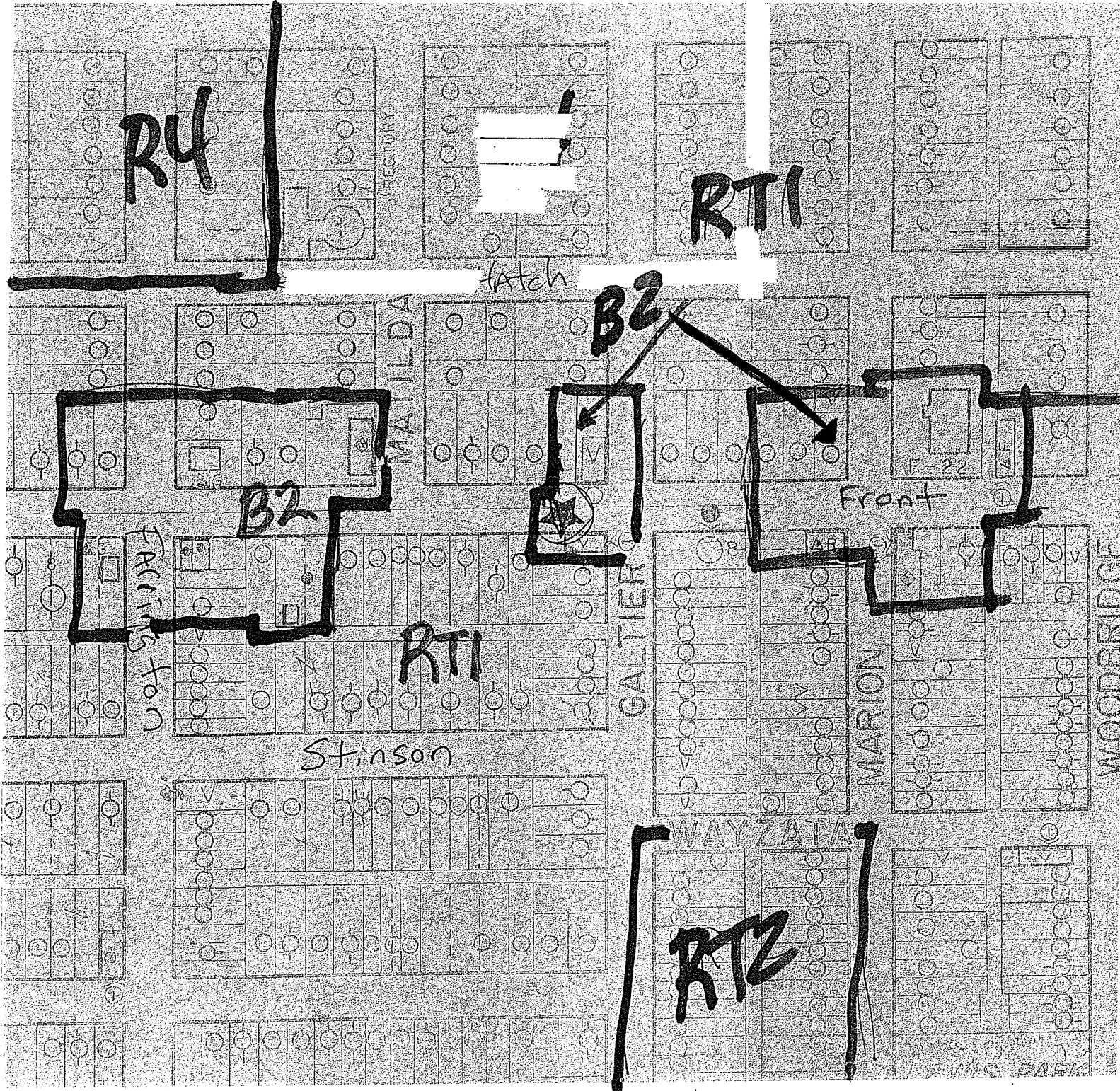
Rear view of 267 Front Ave



Properties across Front Avenue (SW & SE corners)



Adjacent property



APPLICANT Greg Brendenuehl
 PURPOSE RE-EST NCUP
 FILE # 09-424870 DATE 12-9-09
 PLNG. DIST 6 MAP # 12
 SCALE 1"=400'



LEGEND

zoning district boundary

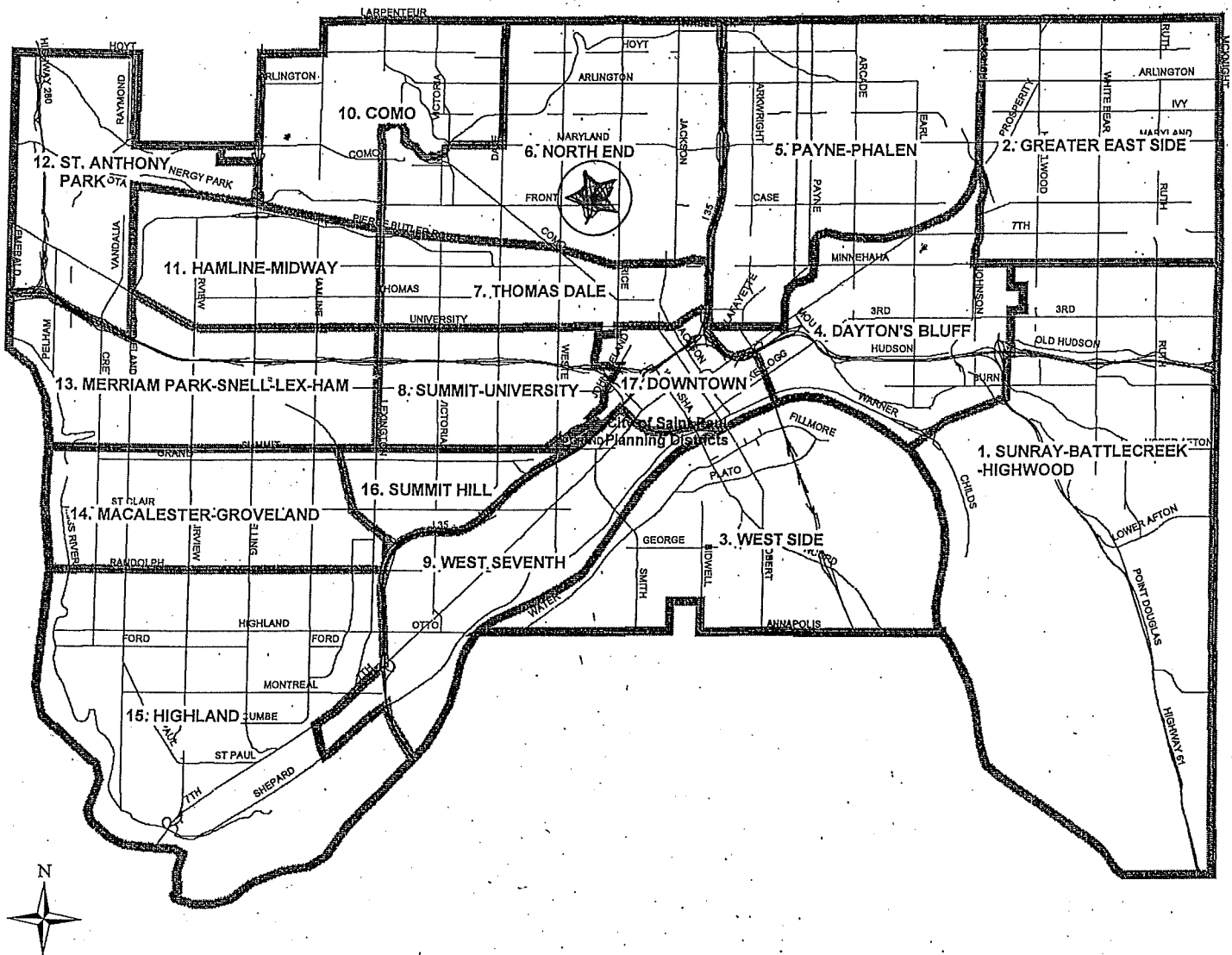
subject property

one family
 two family
 multiple family



commercial
 industrial
 vacant

CITIZEN PARTICIPATION DISTRICTS



CITIZEN PARTICIPATION PLANNING DISTRICTS

1. SUNRAY-BATTLECREEK-HIGHWOOD
2. GREATER EAST SIDE
3. WEST SIDE
4. DAYTON'S BLUFF
5. PAYNE-PHALEN
6. NORTH END
7. THOMAS-DALE
8. SUMMIT-UNIVERSITY
9. WEST SEVENTH
10. COMO
11. HAMLINE-MIDWAY
12. ST. ANTHONY
13. MERRIAM PK.-LEXINGTON HAMLINE
14. GROVELAND-MACALESTER
15. HIGHLAND
16. SUMMIT HILL
17. DOWNTOWN

#09-424870